

MAKING COMMUNITIES SAFER: YOUTH VIOLENCE AND GANG INTERVENTIONS THAT WORK

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS FIRST SESSION

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MAKING COMMUNITIES SAFER: YOUTH VIOLENCE AND GANG INTERVENTIONS THAT WORK

THURSDAY, FEBRUARY 15, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:06 a.m., in Room 2141, Rayburn House Office Building, the Honorable Robert C. Scott (Chairman of the Subcommittee) presiding.

Mr. SCOTT. Good morning. The Subcommittee will now come to order.

And I am pleased to welcome you today to this hearing before the Subcommittee on Crime, Terrorism, and Homeland Security on "Making Communities Safer: Youth Violence and Gang Interventions that Work."

Recent news reports cite increases in crime in several major cities, particularly violent crime. Much of the rise in violent crimes reported is attributable to youth, including youth associated with gangs. Even before the recent report suggesting increases in violence committed by youth, we have seen reports of increasing gang violence and other criminal activities on a local as well as international scale.

A few years ago, the Washington, D.C., area saw reports of gang violence attributed to gangs such as MS-13. There are also reports of gang rivalries resulting in murders of several youth in the District and the Maryland suburbs.

Congress thought to respond to these reports as we usually do with legislation calling for more death penalties, more mandatory minimum sentences and treating more juveniles as adults. We faced a similar situation in the mid-1990's with legislation such as the Violent Youth Predator Act. You can tell from the title what the bill called for, and it did, treating more juveniles as adults, mandatory minimums, death penalties and so forth.

We debated this type of legislation over several Congresses until then-Subcommittee Chairman Bill McCollum of Florida and I put together a hearing similar to this one and decided to propose bipartisan legislation based on recommendations from the researchers, practitioners and other experts we called as witnesses.

That legislation was the "Consequences for Juvenile Offenders Act." It called for a system of early interventions with graduated

sanctions of services as the individual case required to divert juveniles from further crime and violence. The legislation was supported by all Members of the Subcommittee and most of the Members of the full Committee, including the Chairman and Ranking Member. It was also supported by a broad spectrum of those working with juveniles, including advocates, researchers, juvenile judges, juvenile administrators, law enforcement, local and State, and others.

In addition, in the wake of the Columbine school shootings, then-Speaker Hastert and then-Minority Leader Gephardt appointed a bipartisan task force of Members who did the same thing as Bill McCollum and I did, called in some law enforcement officials and other experts and issued a report reflecting their recommendations, which were similar to those received at the Crimes Subcommittee hearing.

The legislation, based on recommendations of the experts, passed the House with a near unanimous vote and was eventually passed into law. Of course, the legislation took nothing away from the already existing tough laws and law enforcement approaches available to deal with juveniles and others committing crimes. Juveniles were already being routinely transferred to adult court for the very serious offenses and nothing in the legislation stopped that.

The U.S. already locks up more people per capita than any other country on Earth, by far. The average lock-up rate around the world is about 100 per 100,000. For example, Australia's rate is 126 per 100,000; Canada, 107; England, 148; France, 85; China, 118; Japan, 62; India, 30 per 100,000. The second highest rate is 611 in Russia. The United States' rate is 733. And rates of 1,000, 2,000 and 3,000 in inner-cities is not unheard of. One hundred per 100,000 international average.

Rather than simply adding to the world's worst incarceration rate, the legislation that we hope to enact will be aimed at cutting off the pipeline for the next group of offenders. It will be designed to add something else to the balance, what researchers and experts say is needed, and that is crime prevention.

Unfortunately, the funding that we authorized to implement the legislation was never provided. We ended up with 20 percent of the authorized level, and the level has gone down ever since. So we are once again considering what to do about the reports of juvenile crime without having done what we were told to do to begin with.

A lot has happened in the interim. We have learned more about effective approaches to addressing youth violence and youth crime. We have an impressive panel of experts here today to tell us about that research, the evidence and the experience, and hopefully they will give advice to Congress on how we can do the right thing.

I look forward to their testimony and working with Ranking Member Forbes in incorporating the testimony into legislative efforts and addressing youth and gang violence.

It is now my privilege to recognize our Ranking Member, the gentleman from Virginia, Congressman Randy Forbes, for his opening statement.

Mr. FORBES. Thank you, Mr. Chairman.

And let me also thank all of the witnesses for being here today. Mr. Chairman, thank you for holding this hearing today.

One of the things that I think has become clear to us, although it wasn't clear to all of the Members of the Judiciary Committee last year when we tried to begin to put forward legislation dealing with gangs, is that we do have a gang problem in the United States and we had several of our Members who asked the question last year when we had this, "Do we have a problem? Where is the problem? I don't see the problem."

Well, I think everybody across the country now understands the significance of the gang problem.

As you and I are sitting here today, we have approximately 850,000 criminal gang members in the United States. And if you put a touchstone that gives us a little better measuring device on that, we would have approximately the sixth-largest army in the world, that is within our borders right now.

The whole scope of gangs has changed enormously. Although many of you have dealt with this problem longer than I have, I have dealt with it now about 16 years, and I remember when we started dealing with it back in the late 1980's and the early 1990's, as we would go to groups and talk to them about what causes you to get into gangs, it would be the same things that we would hear over and over again: sense of belonging, wanting to have a family connection, "The gangs were like our families."

As we have looked, since the year 2000, that has metamorphasized quite a bit and it has changed dramatically now. And more and more now we are hearing people tell us, "We need to be in gangs for protection, because we are afraid that if we are not in a gang, there is no way that we can be safe out on the streets."

One of the things that we all feel that we see in our offices is I have my door opened all the time to people coming in to chat with me who want funding, and in almost every situation, I can tell you, it doesn't matter, whether they are renovating an old school or whether they have a martial arts program, one of the things that they always tell us, as soon as they are in there and they have told us their funding needs, the next two things is, they tell us this has something to do with homeland security or juvenile crime prevention. And we are looking in there, shaking our heads, saying, "How does renovating this old school do anything to protect us from terrorism? How does your program over here do anything to help us deal with juvenile crime prevention?"

Just two last points, and I will put my full remarks in the record, but the Chairman mentioned the fact that we need to cut off the pipeline, and the greatest pipeline that we have out there today are these gang networks.

Sometimes we think that the gang leadership are 15-or 16-year-olds, running around. Many of the gang leaders that we see in our country today are actually moving on up in age. Some of them are in their thirties, some forties. In fact, it is funny because we see some of the old gang leadership now going around in wheelchairs and, you know, we jokingly say they are going to be coming in here asking us for retirement benefits later on down the road.

But we have, if you are looking at the pipeline and you are looking at how do we really cut that pipeline off, what can we do for gang prevention, one of the things we have to keep on the table is reaching up and pulling those gang networks down and the leader-

ship down that is continuing to try to franchise their efforts and what they are doing, because the gangs we have today that really frighten us the most are no longer just local gangs. They are international gangs and national gangs, and they have networks of communication and travel like we have seldom seen before.

And the last thing, Mr. Chairman, we have an unusual panel, not just in your talent and your ability, but it is almost impossible, when you have logistically staged the way we have and you have eight members sitting out there to testify, that we will be able to ask you all of the questions we want to ask you, but we are going to try, and if we can't get them in today, we will try to supplement that with maybe some written questions to you down the road.

So thank you for being here. We look forward to being able to ask you some questions and hearing your testimony as we move forward with the hearing.

Mr. SCOTT. Thank you very much.

We are joined by the gentleman from North Carolina, Mr. Coble, and the gentleman from Ohio, Mr. Chabot.

Without objection, all Members may include opening statements in the record at this point.

In response to the ability to question witnesses, we would expect more than one round if necessary so that we can get in as many questions as we can.

We have a distinguished panel of witnesses here with us today to help us consider the important issues that are before us.

Our first witness will be Professor Del Elliott, who is the director of the Center for the Study and Prevention of Violence at the University of Colorado, where he is also a distinguished professor emeritus for the Department of Sociology.

Prior to holding his current office, he served as the director for the University of Colorado's program on problem behavior as well as for the behavioral research institute in Boulder. In recognition for his efforts, he has received numerous national awards, including the Public Health Service Medallion for Distinguished Service from the U.S. Surgeon General and an outstanding achievement award from the U.S. Department of Justice.

He received his Bachelor's degree from Pomona College and his Master's degree and Ph.D. from the University of Washington in Seattle.

Our next witness, Dr. Jeffrey Butts, is a research fellow with the Chapin Hall Center for Children at the University of Chicago, where he also teaches in the School of Social Service Administration.

He began his juvenile justice career as a drug and alcohol counselor with the Juvenile Court in Eugene, Oregon and has since served as a senior researcher at the National Center for Juvenile Justice and as the former director of the program for youth justice at the Urban Institute.

Dr. Butts has a Bachelor's degree from the University of Oregon, a Master's degree in social work from Portland State University and a Ph.D. from the University of Michigan.

Next is professor Lawrence Sherman, director of the Jerry Lee Center in Criminology at the University of Pennsylvania, where he

is also a professor in the departments of Sociology and Criminology.

Prior to his current post, he was the chair of Criminology and Criminal Justice at the University of Maryland at College Park and also taught at Yale, the State University of New York at Albany, Rutgers University and Australian National University.

He holds a Bachelor's degree from Dennison University and Master's degrees from University of Chicago and Yale University as well as a diploma in criminology from Cambridge University.

Next we will hear from David Kennedy. Mr. David Kennedy is director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice in New York City, where he is also a professor in anthropology. Prior to his position at John Jay College, Mr. Kennedy was a senior researcher and adjunct professor at the program in Criminal Justice Policy and Management for the Kennedy School of Government at Harvard University.

He received his Bachelor's degree with high honors in philosophy and history from Swarthmore College in Pennsylvania.

Then we will hear from Chief James Corwin, chief of police of Kansas City, Missouri, Police Department. He served with Kansas City, Missouri, Police Department since his appointment as a police officer in 1979. He also serves on numerous boards in the community, including the Missouri Emergency Response Committee and the Kansas City, Missouri, Crime Commission.

He holds a Bachelor's degree from Central Missouri State and a Master's degree from Webster University. He is also a graduate of Kansas City, Missouri Regional Police Academy, the Missouri State Highway Patrol Academy and the 192nd Session of the FBI National Academy.

We will hear from Mai Fernandez, the legal and strategy director for the Latin America Youth Center in Washington, D.C., where she has also served as a special assistant to the assistant attorney general in the Office of Justice Programs.

Prior to her current post, Ms. Fernandez also served as an assistant district attorney in Manhattan and also as an aide to Congressmen Mickey Leland and Jim Florio. She is a graduate of Dickinson College, received her Master's degree in public administration from Harvard University and a Law degree from American University.

Next is Paul Logli, chairman of the board of the National District Attorneys Association. Mr. Logli is currently serving as an elected States attorney in Winnebago County, Illinois, where he has also served as vice president of the County Bar Association.

Prior to his current position, he served as an associate judge for the 17th Judicial Circuit in Illinois and also as a member of the Governor's Commission on Gangs in Illinois.

He is a graduate of Loras College and the University of Illinois College of Law.

Our final witness will be Mr. Teny Gross, executive director of the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island. Prior to holding his current position, he served as program coordinator for the Youth Focused Community Initiative in Dorchester, Massachusetts and a senior street worker for the City of Boston and also first sergeant in the Israeli Army Reserves.

He received his Master of Theology Studies degree from Harvard University, Bachelor of Fine Arts degrees from Tufts University and the School of Museum of Fine Arts in Boston.

Each of the witnesses has a written statement which will be made as part of the record in its entirety.

I would ask each witness to summarize his or her testimony in 5 minutes or less. And to help stay within that time period, you have a little light gizmo which will start off green and go to amber when it is time to start wrapping up. Then it will go to red. Nothing draconian will happen when it turns to red, but we would appreciate it if you would wrap up at that time.

We will begin with Professor Elliott.

TESTIMONY OF DELBERT ELLIOTT, DIRECTOR, CENTER FOR THE STUDY AND PREVENTION OF VIOLENCE, UNIVERSITY OF COLORADO

Mr. ELLIOTT. Chairman Scott and other distinguished Members of the Committee, it is a pleasure to be here and to talk with you.

I am the director of the Center for the Study and Prevention of Violence at the University of Colorado and the editor of the "Blueprints for Violence Prevention Series," which is a series of model violence prevention programs that meet a very high scientific standard, good enough that we could implement those programs on a national level.

We have looked at over 600 violence prevention programs, and out of those 600 programs, 75 to 80 percent of those programs have no credible evaluation. Of the others that do have a credible evaluation, a majority of those don't work. That is, the evidence that we have suggests that they are not effective.

Fortunately, we have also a number of programs—not enough—but we have a number of programs that are very effective and have very good effect sizes. That is, they can really have a significant effect upon violence and drug use and delinquency.

Unfortunately, I have to tell you we also find a few programs that are actually harmful, that are doing more harm than good.

So the first recommendation that I would like to make to the Committee is that we deal with this huge expenditure of money invested in programs in which we have no idea whether they work or not. That means we either need to mandate the use of effective programs, research-effective programs, or we need to invest in evaluations of those programs.

To continue to fund programs that we have no knowledge about whether they work or not is not a good idea, particularly when we know in some cases, although well-intended, they actually do harm. The ethics of delivering programs requires that we know whether those programs are effective or not.

Secondly, I would like to recommend that we stop funding the programs that we know don't work. That is, of those programs that we have looked at where the evidence is compelling that they don't work, we need to stop funding those programs. And there are a number of those programs, unfortunately, which we are continuing to fund. The traditional DARE program, shock probation programs, waivers out of the juvenile system and into the adult criminal sys-

tem all have either no effect or negative effects and we need to stop investing our dollars in those kinds of programs.

Third recommendation I would like to make is that whenever it is possible, we should mandate that Federal funds be used for effective programs or invested in the evaluation of promising programs, to bring them up to the level that they can be implemented on a wide scale with certainty.

This will not require any major increase in funding. It involves first of all a reallocation of the dollars which we are currently spending, the vast majority of which right now are going into programs that aren't effective. If we reallocate those dollars, that is the first way that we can implement good programs without increasing the necessary funding.

Secondly, if we are funding evidence-based programs that meet a high standard, they do not need to have outcome evaluations, and we save money with respect to evaluation dollars. Those programs have been demonstrated effective at a level and there are continuing evaluations of them, so local agencies do not need to engage in evaluation if they are using evidence-based programs.

Third, these programs are so cost-effective that they will be paying for themselves in a very short period of time. The State of Washington has done an analysis in which they looked at a very modest portfolio of these evidence-based programs and have demonstrated that within 4 years those programs are paying for themselves. They estimate it would cost \$60 million to implement that portfolio statewide and in 4 years the taxpayer benefits in savings would equal \$60 million. At 10 years, the taxpayer savings from reduction in crime costs would be \$180 million and 20 years later the savings would be \$480 million for a \$60 million investment in evidence-based programs.

These programs are also very cost-effective. If we look at a model program like Life Skills Training, which can reduce the onset of illicit substance use by 50 to 70 percent, that program, if we were to put that program in every middle school in this country, it would cost somewhere in the neighborhood of \$550 million. That program could cut the onset of illicit drug use 50 to 70 percent. That \$550 million represents 1.5 percent of our current spending on drug control.

And, finally, I would simply like to recommend that we establish a Federal standard for what it means to be certified as an evidence-based program. A lot of confusion right now because the standard dues on all of these lists which are available is very, very different.

There is a Federal working group on the Federal collaboration of what works which has proposed a standard, and I recommend that you look at that standard carefully. It is an excellent standard and it would resolve all of this confusion about what it means to be an effective program.

Thank you.

[The prepared statement of Mr. Elliott follows:]

PREPARED STATEMENT OF DELBERT S. ELLIOTT

BACKGROUND

The demand for effective violence, drug, and crime prevention programs continues to grow. It is now common for Federal and State Agencies, private foundations and other funders to require or at least encourage the use of “evidenced based” programs. While this is an important new direction for current policy, the great majority of programs implemented in our schools and communities still have no credible research evidence for their effectiveness. In their national review of delinquency, drug and violence prevention/intervention programs, the Center for the Study and Prevention of Violence has identified over 600 programs that claim to prevent or deter violence, drug use or delinquent behavior and less than 20% have any rigorous evaluation. There are several reasons for this. First, the new evidence-based policy is typically only a guideline and is not mandated or enforced. The process for selecting programs remains largely informal, relying on local expertise and “old boy/girl networks,” and in many instances does not include scientific evidence of effectiveness as an important selection criterion. There is still a relatively strong aversion to “canned” programs developed outside the local area. Second, many of the lists of approved programs provided by funding agencies either have no scientific standard for selection or a very low standard. The scientific evidence for effectiveness is highly questionable for a significant number of lists. Third, few programs on these lists have the capacity to be delivered with fidelity on a wide scale. According to a recent national survey of school-based prevention programs, most programs being implemented were not evidence-based and even when they were, they were often being delivered with such poor fidelity that there is no reason to believe they could be effective in preventing violence, drug use or delinquency.¹ *The fact remains that most of the resources currently committed to the prevention and control of youth violence, drug use and delinquency, at both national and local levels, has been invested in unproven programs based on questionable assumptions and delivered with little consistency or quality control.*

Moreover, the vast majority of these untested programs continue to be implemented with no plans for evaluation. This means we will never know which (if any) of them have had some significant deterrent effect; we will learn nothing from our investment in these programs to improve our understanding of the causes of violence or to guide our future efforts to deter violence; and there is no meaningful accountability of the expenditures of scarce community resources. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be *ineffective or even harmful*,² and yet we continue to invest huge sums of money in them for largely political reasons.

What accounts for this limited investment in the evaluation of our prevention programs? First, there is little political or program support for evaluation. Federal and state violence prevention initiatives often fail to provide any realistic funding for evaluation of the programs being implemented. Moreover, program directors argue that in the face of limited funding, every dollar available should go to the delivery of program services, i.e., to helping youth avoid involvement in violent or criminal behavior. The cost of conducting a rigorous outcome evaluation is prohibitive for most local programs, exceeding their entire annual operational budget in many cases. Without independent funding, they can not undertake a meaningful evaluation. Finally, many program developers believe they know *intuitively* that their programs work, and thus they do not think a rigorous evaluation is required to demonstrate this.

Unfortunately, this view is very shortsighted. When rigorous evaluations have been conducted, they often reveal that such programs are ineffective and can even be harmful.³ Indeed, many programs fail to address any of the known risk factors or underlying causes of violence. Rather, they involve simplistic “silver bullet” assumptions and allocate investments of time and resources that are far too small to counter the years of exposure to negative influences of the family, neighborhood, peer group, and the media. Violence, substance abuse and delinquency involve complex behavior patterns that involve both individual dispositions and social contexts in which these behaviors may be normative and rewarded. There is a tendency for programs to focus only on individual dispositions, with little or no attention to the reinforcements for criminal behavior in the social contexts where youth live. As a result, any positive changes in the individual’s behavior achieved in the treatment

¹ Gottfredson, 2001.

² Sherman et al., 1997; Elliott and Tolan, 1999; Lipsey, 1992, 1997.

³ Lipsey, 1992, 1997; Sherman et al., 1997; and Tolan and Guerra, 1994.

setting are quickly lost when the youth returns home to his or her family, neighborhood, and old friends. This failure to attend to the social context also accounts for the “deviance training” effect often resulting from putting at-risk youth into correctional settings or other “group” treatment settings which rely on individual treatment models and fail to properly consider the likelihood of emerging delinquent group norms and positive reinforcements for delinquent behavior.

On the positive side, we have a number of very effective violence prevention and intervention programs. We have a universal drug prevention program (Life Skills Training) that can reduce the onset of illicit drugs by 50–70 percent and alcohol and tobacco use by as much as 50 percent; an intervention program for adjudicated youth (Multisystemic Therapy) that reduces the probability of recidivism by as much as 75 percent; an early childhood program (Nurse Family Partnership) that reduces arrests by 59 percent. See Table A for a list of Blueprint Model Programs. We have the means to significantly reduce current levels of violence and substance abuse, but we are not implementing effective programs on a level that can have any significant effect on overall rates of violence and substance abuse in our communities

SPECIFIC RECOMMENDATIONS

1. The funding of unproven programs must include an evaluation.

Progress in our ability to effectively prevent and control crime requires evaluation to identify effective programs and a commitment to implement these programs with fidelity. Only those programs with demonstrated effectiveness and the capacity to be delivered with fidelity should be implemented on a wide scale. We have a long history of pushing untested programs for political reasons only to discover later that they did not work (e.g., D.A.R.E., boot camps, shock probation, juvenile court transfers/waivers). A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business would invest millions of dollars in an enterprise without assessing its profit potential. No reputable physician would subject a patient to a medical treatment for which there was no evidence of its effectiveness (i.e., no clinical trials to establish its potential positive and negative effects). No program designer should be willing to deliver a program with no effort to determine if it is effective. Our continued failure to provide this type of evidence for prevention programs will seriously undermine public confidence in crime prevention efforts generally. It is at least partly responsible for the current public support for building more prisons and incapacitating youth—the public knows they are receiving some protection for this expenditure, even if it is temporary.

The costs of a randomized control trial is quite high, well beyond the capacity of most programs. Federal funding for promising prevention/intervention programs is critical to advancing both the number of programs that can be certified as effective and the diversity of populations and conditions under which these programs work

2. Stop funding programs that don't work.

The available evidence indicates that a number of very popular crime prevention programs don't work and a few appear to be harmful.⁴ Some of the better known programs and strategies that appear not to work include: shock probation (e.g., Scared Straight), waivers of juveniles into the adult criminal court, traditional DARE, gun buyback programs, vocational programs, juvenile intensive parole supervision, reduced probation/parole caseloads, and STARS. Whether the accumulated evidence for these programs is conclusive depends on the standard we use to certify programs as effective or not effective, but there is clearly reason to be very cautious about continuing these programs until some positive evaluation outcomes are obtained.

3. Clarify what is meant by “evidence-based” and establish a national standard for certifying programs as “model” programs

There is a lot of confusion about what constitutes an evidence-based program. There are those who think that positive testimonials by clients is sufficient evidence to claim their program is evidence-based; to be certified as a model program in the Blueprints for Violence Prevention series, the program has to have two random control trials or very rigorous quasi-experimental trials that show positive effects plus evidence that the effect is sustained for at least one year after leaving the program. Most of the “lists” of Federal agencies require at

⁴See Sherman et al., 1998; Lipsey and Wilson, 1998; Aos et al., 2004.

least one RCT or quasi-experimental study. This is not a very demanding standard—one study, typically by the designer of the program in a specific location under ideal conditions. The standard for certifying a program as a model program, that is, a program that qualifies to be implemented on a statewide or national level, must have a very high probability of success. Should they fail, we will quickly lose build public support for funding them, not only for the program that failed, but for other programs that might be truly effective. Unfortunately, our record for the success of programs that have been widely implemented (e.g., DARE) has not been very good and that is because we have not required a high scientific standard for programs being implemented on this scale.

There is a proposed standard that should be carefully considered. The Working Group of the Federal Collaboration on What Works was established in 2003 to explore how Federal agencies could advance evidence-based crime and substance abuse policy. The Working Group included officials from Department of Justice, Department of Health and Human Services, Department of Education and representatives from the Coalition for Evidence-Based Policy and the National Governor’s Association. The Working Group has recommended an excellent standard and classification system for certifying a program’s level of demonstrated effectiveness. If this standard was formally adopted, it would both clarify what “evidence-based” means and set a required scientific standard for programs that are considered ready for widespread dissemination.

4. We should promote widespread implementation of cost effective evidence-based programs.

The implementation of evidence-based prevention and intervention programs will result in saved lives, more productive citizens, and significant reductions in crime and violence. The estimated cost for putting Life Skills Training, in every middle school in America has been estimated to be \$550M per year. This represents less than 2 percent of national spending on drug control (\$40B). The benefits of this program extended beyond the actual participants in the program to their associates and to a shrinking of the drug market allowing for more targeted and effective law enforcement. In this analysis, the effects of law enforcement and prevention/intervention were about the same. Clearly we need both. The Washington State Institute for Public Policy estimates that it would cost about \$60M a year to implement a portfolio of evidence-based crime and violence prevention/intervention programs. After four years, the savings associated with reductions in crime would equal the cost of the portfolio; in 10 years, the cost benefit would be \$180M; and in 20 years, the cost benefit would be close to \$400M for the \$60M investment in the evidence-based program portfolio.

CONCLUSION

Nationally, we are investing far more resources in building and maintaining prisons than in primary prevention or intervention programs.⁵ We have put more emphasis on reacting to criminal offenders after the fact and investing in prisons to remove these young people from our communities, than on preventing our children from becoming delinquent and violent offenders in the first place and retaining them in our communities as responsible, productive citizens. Of course, if we had no effective prevention strategies or programs, there is no choice. But we do have effective programs and investing in these programs and the development of additional effective programs is effective, both in terms of human resources and taxpayer savings. Prevention and intervention must be part of a balanced approach to crime reduction.

⁵ Gottfredson, 1997.

Table A. Blueprint Programs

PROJECT	TARGET POPULATION	PERCENT REDUCTION (EFFECT SIZE) ¹	REPLICATION	BENEFIT PER DOLLAR OF COST ²	SUSTAINED EFFECT	TYPE OF PROGRAM
Nurse Home Visitation (Dr. David Olds)	Pregnant women at risk of preterm delivery and low birth weight infant	Arrests = -.53	Yes	\$2.88	Through age 15	Prenatal and postpartum nurse-home visitation
Bullying Prevention Program (Dr. Dan Olweus)	Elementary and middle/junior school (universal intervention)	Delinquency = -.34	Yes		2 years post-grant-supported treatment-Canada; Most evaluations have long-term data	School anti-bullying program to reduce victim/bully problems
Promoting Alternative Thinking Strategies (M. Greenberg/C. Kusche)	K-5 school children (universal intervention)	Externalizing = -.07 Conduct Prob. = -.12	Yes		2 years post-treatment	School-based program designed to promote social and emotional competence
Big Brothers Big Sisters of America	Youth 6 to 18 years of age from single-parent homes	Drug Use = -.50	Multisite Single Design, 8 sites	\$1.01	18 month post-test	Mentoring program
Towards No Drug Abuse (TND) (Dr. Steve Sussman)	Alternative & public high school youth	Drug Use = -.53 Victimization = -.14	Yes		Two years post-treatment	Drug use prevention and intervention
Multisystemic Therapy (Dr. Scott Henggeler)	Serious, violent, or substance abusing juvenile offenders & their families	Delinquency = -.66 Drug Use = -.75 Arrests = -.70	Yes	\$2.64	4 years post-treatment	Family ecological systems approach
Functional Family Therapy (Dr. Jim Alexander)	At-risk, disadvantaged, adjudicated youth	Arrests = -.78	Yes	\$13.25	30 months post-treatment	Behavioral systems family therapy
Midwestern Prevention Project (Dr. Mary Ann Pentz)	Junior/middle school	Drug Use = -.37	Yes		Through high school (some results through age 23)	Drug use prevention curriculum with sequential components that involve parents, media, and community
Life Skills Training (Dr. Gilbert Botvin)	Junior/middle school	Drug Use = -.44	Yes	\$25.61	Through high school	Drug use prevention (social skills and general life skills curriculum)
Multidimensional Treatment Foster Care (Dr. Patricia Chamberlain)	Adjudicated serious and chronic delinquents	Delinquency = -.56 Arrests = -.85	Yes	\$10.88	1-year post treatment	Temporary structured foster care with treatment

¹ Source: Huizinga and Mihalic, 2003. Effect sizes are taken from only one evaluation per program, thus across multiple program evaluations effect sizes could be higher or lower.

² Source: Washington State Institute for Public Policy, 2004

**TESTIMONY OF JEFFREY A. BUTTS, SENIOR RESEARCHER,
CHAPIN HALL CENTER FOR CHILDREN, UNIVERSITY OF CHI-
CAGO**

Mr. BUTTS. Good morning, Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to speak with you today and to be a part of this panel.

I also apologize. I had a cold last week and my voice is still not what it was.

As part of my testimony, I provided the Subcommittee with a Chapin Hall issue brief that I wrote 3 months ago with my friend and colleague Howard Snyder of the National Center for Juvenile Justice. In that report, titled "Too Soon To Tell: Deciphering Recent Trends In Youth Violence," we reviewed the past 30 years of data about youth crime, including national arrest estimates based on the FBI's juvenile arrest data for 2005, which is still the most recent year for which national data are available.

[The report referred to is located in the Appendix.]

When we looked at trends through 2005, we found that it is too soon to predict a national increase in violent crime. Overall, crime remains at a 30-year low. According to the crime victimization surveys conducted by the U.S. Department of Justice, an American's chances of being a victim of a violent crime are still lower than in any point since the 1970's.

Violent youth crime has increased at the national level, but only slightly. Between 2004 and 2005, the violent crime arrest rate for youth under age 18 grew by just 1 percent. The total increase amounted to 12 new violent arrests for every 100,000 juveniles in the population. This is about one-twentieth of what it would take for violent crime to return to the level of 1994, the most recent peak in violent crime.

In other words, we would have to see the same increase for 19 more years before we would return to the scale of violence seen just a little more than 10 years ago.

Obviously, we should not wait 19 years to respond to rising crime rates, but it is too soon to characterize the recent data as a national trend. What the data do suggest is that we have a number of cities, and probably neighborhoods within cities, that are starting to experience rising serious violence. The question for policy-makers is, how should we respond to these increases?

At some point in every conversation about violent youth crime, someone will make the observation that to truly ensure public safety we have to intervene earlier with youthful offenders. We cannot wait until a young person is already involved in serious violent crime and then try to stop it. Waiting is not only ineffective it is expensive. I have heard this throughout my 25-year career in juvenile justice and I am sure everyone here has heard it. Many of you have probably said it at one time or another.

Why don't we ever seem to make good on this promise? Why are we still unable to intervene effectively with young people as soon as they become involved in crime? I don't believe it is a matter of resources, that we can't afford to do it. We have decades of research showing us that high-quality early intervention actually saves money.

I think we fail to intervene early and effectively with youthful offenders because we continue to base our policies and programs on the wrong theories. For some reason, we seem to believe the best way to change the behavior of a 14-year-old is to use fear and domination. We use the threat of punishment to instill fear and then a series of increasing restrictions to establish dominance over youth.

Certainly there are some young offenders for whom this is the only feasible approach. But fortunately that number is very small. For the vast majority of young people involved in crime, this is simply the wrong approach.

We also apparently believe that young people who commit crimes are defective and that they need to be fixed by professional therapists, social workers and psychiatrists. Much of what passes for intervention in the juvenile justice system today is based on a deficit model of adolescent behavior. Whether it is family therapy, drug treatment and anger management training, our first response to young offenders seems to be fix their pathology.

Again, for some youth, therapy may be exactly what they need. But for many juveniles, and I would argue most in the juvenile justice system, this is just bad theory. Criminologists will tell you that all people are capable of committing crime given the right circumstances. The impulse to take advantage of other people is nearly universal.

The critical question is not why are some people criminals. The critical question is why are most young people not criminals. Researchers have started to answer this question by identifying the protective factors and social assets that reduce the young person's chances of getting caught up in crime. We are learning that youth with positive and supportive relationships are less likely to engage in crime, violence and substance abuse. We are also finding that being rewarded for learning and trying out new skills helps to keep young people attached to conventional institutions, such as family, school and work.

And we are discovering that just like everyone else, young people value their communities when their communities value them. In other words, youth are less likely to get involved in crime when they participate in community affairs and when they have a voice in public dialogue.

All of these lessons are now known as positive youth development or the youth development approach. Using the youth development approach with young offenders makes obvious common sense. It is essentially an effort to import the benefits of a middle-class upbringing into high-risk and distressed neighborhoods.

The youth development approach suggests that even poor and disadvantaged youth should experience the social bonding that comes from having an adult mentor, from knowing success in school and from being involved in civic activities, sports, music and the arts. If we had a juvenile justice system that brought these assets into the lives of more young people, we might be able to head off the next wave of rising youth violence and make our communities safer.

Certainly we will always need a justice system that deals aggressively with dangerous youth, but we should also want a system

that responds effectively to young offenders before they are violent. Developing this sort of juvenile justice system is hard work, but thankfully research shows that it will be cost-effective. Early intervention does pay.

One strategy that we know does not pay, in fact, the most expensive form of juvenile justice is delay and punish, where we put off doing anything serious and meaningful with a young offender until he or she does something truly horrible. Yet that is still the most common form of juvenile justice system that we have today.

Thank you for your time, and I look forward to the discussion.
[The prepared statement of Mr. Butts follows:]

PREPARED STATEMENT OF JEFFREY A. BUTTS

Good morning Mr. Chairman and members of the subcommittee. Thank you for the opportunity to speak with you today and to be a part of this panel.

As part of my testimony, I provided the subcommittee with a Chapin Hall Issue Brief that I wrote three months ago with my friend and colleague, Dr. Howard Snyder of the National Center for Juvenile Justice.

In that report, titled "Too Soon to Tell: Deciphering Recent Trends in Youth Violence," we reviewed the past 30 years of data about youth crime, including national arrest estimates based on the FBI's juvenile arrest data for 2005, which is still the most recent year for which national data are available.

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In other words, we would have to see the same increase for 19 more years before we would return the scale of violence seen just a little more than 10 years ago.

Obviously, we shouldn't wait 19 years to respond to rising crime rates, but it is too soon to characterize the recent data as a national trend.

What the data do suggest is that we have a number of cities, and neighborhoods within cities that are starting to experience rising violence.

The question for policymakers is, "how should we respond to these increases?"

At some point in every conversation about violent youth crime, someone makes the observation that to truly ensure public safety we have to intervene earlier with youthful offenders.

We cannot wait until a young person is already involved in serious and violent crime and then try to stop it.

Waiting is not only ineffective; it is expensive.

I have heard this throughout my 25-year career in juvenile justice. I am sure everyone here has heard it. Many of you have probably said it at one time or another.

Why don't we ever seem to make good on this promise?

Why are we still unable to intervene effectively with young people as soon they become involved in crime?

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For some reason, we seem to believe the best way to change the behavior of a 14-year-old is to use fear and domination.

We use the threat of punishment to instill fear and then a series of increasing restrictions to establish dominance over youth.

Certainly, there are some young offenders for whom this is the only feasible approach, but fortunately that number is very small. For the vast majority of young people involved in crime, this is simply the wrong approach.

We also apparently believe that young people who commit crimes are defective, and that they need to be fixed by professional therapists, social workers, and psychiatrists.

Much of what passes for intervention in the juvenile justice system today is based on a deficit model of adolescent behavior.

Whether it is family therapy, drug treatment, or anger management training, our first response to young offenders seems to involve fixing their pathologies.

Again, for some youth, therapy may be exactly what they need, but for many juveniles (I would argue most), this is just bad theory.

Criminologists will tell you that all people are capable of committing crime, given the right circumstances.

The impulse to take advantage of other people, even to hurt other people, is nearly universal.

The critical question is not, "why are some young people criminals?"

The critical question is, "why are most young people not criminals?"

Researchers have started to answer this question by identifying the "protective factors" and "social assets" that reduce a young person's chances of getting caught up in crime.

We are learning that youth with positive and supportive relationships are less likely to engage in crime, violence, and substance abuse.

We are also finding that being rewarded for learning and for trying out new skills helps to keep young people attached to conventional social institutions, such as family, school, and work.

And, we are discovering that, just like anyone else, young people value their communities when their communities value them.

In other words, youth are less likely to get involved in crime when they participate in community affairs, and when they have a voice in public dialogue.

All of these lessons are now known as "positive youth development" or the "youth development approach."

Using the youth development approach with young offenders makes obvious, common sense. It is essentially an effort to import the benefits of a middle-class upbringing into high-risk and distressed neighborhoods.

The youth development approach suggests that even poor and disadvantaged youth should experience the social bonding that comes from having an adult mentor, from knowing success in school, and from being involved in civic activity, sports, and music.

If we had a juvenile justice system that brought these assets into the lives of more young people, we might be able to head off the next wave of rising youth violence and make our communities safer.

Certainly, we will always need a justice system that deals aggressively with truly dangerous youth, but we should also want a system that responds effectively to young offenders even before they are violent.

Developing this sort of juvenile justice system is hard work, but thankfully, research shows that it is also cost-effective. Early intervention pays.

One strategy that we know does not pay off—in fact, the most expensive form of juvenile justice—is "delay and punish"—where we put off doing anything serious and meaningful with a young offender until he or she does something truly horrible.

Yet, that is still the most common form of juvenile justice system today.

Thank you for your time and I look forward to our discussion. The views expressed in this testimony are the author's alone and do not necessarily reflect the views of the employees, administrators, or board members of the University of Chicago or Chapin Hall Center for Children.

TESTIMONY OF LAWRENCE SHERMAN, DIRECTOR, JERRY LEE CENTER OF CRIMINOLOGY, UNIVERSITY OF PENNSYLVANIA

Mr. SHERMAN. My name is Lawrence Sherman and I am grateful for the opportunity to discuss the 100,000 murders of Americans on the streets of our cities since 9/11/2001, a problem that I am delighted this Committee is addressing, especially with its focus on youth and gang violence.

What I would like to focus on is what we have found in Philadelphia and appears to be true in many other cities, which is that

homicide is heavily concentrated among people who are already under court supervision. Much of my data pertains just to the Adult Probation and Parole Department, but if we add pretrial supervision, youth probation, State parole boards, we estimate that as many as three out of four murders in the City of Philadelphia may be committed by people who are under court supervision.

And what I would like to propose is that this Committee offer legislation that would create a Federal grants and aide program to support probation, parole and pretrial services agencies that would undertake an evidence-based approach to the prediction and prevention of homicide within people on their caseload.

This problem includes both victims. If I can get the number, I think we will see that 16 percent of the murder victims in Philadelphia last year were on adult probation at the time; 22 percent of the murder arrests in Philadelphia were of people who were on adult probation at the time. This doesn't include State parole or juvenile probation.

And what we may find is that if we look for the needles in the haystack among the 52,000 cases under adult probation, to look for the 108 victims and offenders identified in 2006, we will see that most of them were predictable, and predictable by a realization of the fact that 3 percent of that group is eventually going to be charged with murder or attempted murder, and that with new advanced data mining techniques and supercomputers coming down in price, it is now possible for every community supervision agency in the country to do what Professor Richard Burke has done, and we have recruited him to Philadelphia from UCLA precisely to help us work on this problem, which I think we can illustrate best with the key predictors, which start with something which has already been mentioned, and that is age at first arrest, arrest that is prosecuted as an adult by direct file to adult courts, along with current age.

Those seem to be the two biggest factors in predicting who is likely to be charged with murder or attempted murder while on probation or parole with the county adult system in Philadelphia.

And if I could just focus the Committee's attention on the age at first adult prosecution, whether or not the offender is convicted, the younger that age, the more likely it is that this person, when they go on adult probation, will be charged with murder or attempted murder within a several-year time frame.

So starting with age 14, which is absolutely the highest murder, controlling for other factors that we have in this model, we see a rapid falling off with people being charged at the older age, but it is precisely, as Mr. Butts has said, it is precisely at those early ages that what we do is delay and we try to come to some other accommodation or even fail to get a conviction or an adjudication because the witnesses won't come.

If we could say that what this graph tells us is that 70 percent of all murders or attempted murders were committed by people who were charged as adults before the age of 21 and 40 percent of them were committed by people who, in their previous lives were charged as adults before the age of 18.

Another way of looking at this is the falling likelihood of being charged with homicide based on age. So the Committee's focus on

youth is absolutely right. And the problem is that the juvenile justice system cuts it off at age 18, whereas the risk is really heavily concentrated under 21 to 25. The youth violence reduction partnerships in Philadelphia have set, actually, a 25 year definition of youth, which is consistent with that graph, showing us that offenders committing a murder on probation over age 45 in a very large sample is zero. But of those who are under 20, 15 percent were going to go on to be charged with murder or attempted murder.

And so what I would like to do is to agree with Dr. Butts' assertion that most people in the juvenile justice system do not need the kind of intensive therapy that we have found that the people who are most likely to kill or be killed need because they are suffering from undiagnosed and untreated post-traumatic stress disorder, they have chronic depression, they have anxiety disorder, they have things that are well known to be treatable within clinical psychology, but they are not getting that kind of treatment.

And what Philadelphia has done is to create both a special unit to provide those kinds of services and a randomized, controlled trial to find out whether that approach is effective in not only reducing homicides and other serious crime, but also reducing the incarceration rate, which is very costly to the State and, of course, a waste of human potential.

If we had a Federal grants program that would reward through a peer-review process, no earmarks, those proposals that develop an effective statistical prediction model and offer a randomized trial to evaluate the effects of their program, we would not be guaranteed to lower the homicide rate, but we would be guaranteed to develop a robust body of evidence on what works and what doesn't work to try to prevent homicide by young people.

Thank you for this opportunity.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF LAWRENCE W. SHERMAN



Jerry Lee Center of Criminology
 3718 Locust Walk, Suite 483
 Philadelphia PA 19104
 215-898-9216
 lws@sas.upenn.edu

Lawrence W. Sherman
 Albert M. Greenfield Professor and
 Director

REDUCING HOMICIDE BY ENHANCING HIGH-RISK PROBATION AND PAROLE: A Peer-Reviewed Grants Program

Summary. The growth of homicide in American cities is highly concentrated among young people on probation and parole. In Philadelphia in 2006, for example, over 22% of the murder arrests, and 16% of the murder victims, were clients of the Adult Probation and Parole Department (APPD) of the First Judicial District of Pennsylvania. Virtually all were under 25 years of age. But they were needles in the haystack of the 52,000 people assigned to the 285 APPD officers. New statistical techniques can identify the highest-risk offenders under community supervision. A national program of competitive grants to apply those techniques in ways that can prevent homicide among high-risk likely killers (or victims) could be the most direct route to lowering homicide through federal policy.

Crime in Philadelphia and the APPD

Homicide in Philadelphia has risen by over 25% in the past three years, to a total of 406 murders last year. Many if not most of these murders were committed by or against people who were under court supervision at the time as probationers, parolees or pre-trial releasees—possibly as many as 75% of the murders. For just the local adult probation and parole department (APPD) cases, two numbers stand out:

55 = the number of APPD cases who were murdered by gun in 2006
 53 = the number of APPD cases who were arrested in 2006 for murder by gun

To convert these numbers to appropriate percentages, two separate denominators are required: the number of murders by gun, and the number of arrests for murders by gun. The Philadelphia Inquirer total of 344 gun murders in 2006 (http://inquirer.philly.com/graphics/murders_map/) provides the first denominator, which is 85% of all murders reported in Philadelphia in 2006. The APPD Gun Court records of 235 arrests for homicide by firearm in 2006 (regardless of the year in which the homicide was committed) provides the second denominator. Using these denominators produces the following findings:

- APPD cases were killed in 55 of all 344 gun homicides in 2006, or 16%
- APPD cases were arrested in 53 of the 235 murder arrests for 2006, or 22%

Because the majority of homicides do not lead to an arrest, it seems likely that even more of the offenders in these cases are APPD cases. A rough estimate based on a 50% clearance rate would be that APPD cases would have committed 22% of all 2006 murders, or almost 100—in addition to the 55 APPD cases who were killed. This would mean that almost 4 out of ten murders involved an APPD case as victim or offender.

In 2006 the City of Philadelphia's 406 homicides yielded a rate of 270 homicides per million people. If we calculate the homicide victimization rate for the APPD, based on a caseload of 52,000 people, the comparable number would be 1,000 per million. If people among APPD's 52,000 cases *committed* the estimated (solved and unsolved) 100 murders, the roughly comparable number for the homicide commission rate (assuming one offender per homicide) would be 1,920 per million people.

This means that

- The homicide victimization rate for APPD cases is four times the city-wide rate
- The homicide offending rate for APPD cases is seven times the city-wide rate

None of this should be surprising, since recently convicted offenders are well-known to be more likely to commit murder than other people. Nor does it mean that this murder rate is caused by any aspect of APPD's operation within the standard US interpretation of the probation mission. Its significance, rather, comes from the fact that APPD cases provide a prime focus for homicide prevention. In contrast to programs that spread a wide net over low-risk and high-risk people alike, APPD is a program that is far more tightly focused on the higher risk Philadelphians who disproportionately suffer, and commit, the city's homicides.

The APPD is not the only agency with a high-risk caseload. As a community supervision agency, it shares this challenge with the Pennsylvania Board of Probation and Parole, as well as with two other First Judicial District agencies: Juvenile Probation and Pre-Trial Services Division. Collectively, these agencies supervise almost 1 out of every 15 of the 1.5 estimated Philadelphia residents. Their respective caseloads are as follows

<u>Agency</u>	<u>Persons Supervised</u>	<u>Percent of Total Supervised</u>
APPD	52,000	54%
Pre-Trial Division	30,000	31%
Juvenile	5,000	5%
State Parole	9,000	9%
Total	96,000	100% (with rounding)

This analysis of crime, and especially homicide, in Philadelphia suggests that the caseloads of these other agencies are also at high risk of committing murder or being murdered. If the risks are equal across offenders in the caseloads of all agencies, barring some adjustments for overlapping caseloads, the analysis suggests that offenders under supervision could jointly account for 44% of murder offenders and 32% of murder victims. Adding these two statistics could mean that *as many as 76% of all murders in Philadelphia involve convicted or charged offenders under supervision of community supervision agencies.*

If three out of four of all murders occur in a population required by law to be in constant communication with court-appointed supervisors, it seems important to ask whether our City is making the most of the opportunity such supervision provides to prevent those murders. This question can be broken down into several specific questions:

- Are some supervised offenders more at risk than others?
- Are there ways to re-allocate a constant budget based on risk?
- Would more probation officers for high-risk cases reduce murder?

The answer to all three questions is “yes.” The following sections document the basis for that answer, in the context of describing options for a re-engineering of APPD. A similar approach, of course, could also be taken with other offender supervision agencies, including—with a broader definition—the Philadelphia Police Department.

Risk Analysis: Old and New

“Are some supervised offenders more at risk than others?” That is the old way to ask the question. The term “risk,” when defined, usually meant at risk of repeat offending, repeat arrest, or repeat conviction for a new offense. Any new offense. Regardless of the level of harm a new crime caused, or how many years in prison it would require to punish it, or whether a child was harmed, or any other criteria of seriousness, the standard risk assessment tools in probation give the same answer. Both shoplifting and homicide receive the same weight. So, too, do auto theft and kidnapping children for sexual assaults. The “old,” and still dominant, approach to risk analysis in probation and parole across the US does not distinguish different levels of risk by different levels of seriousness.

What the old approach does do is to distinguish levels of probability. Risk assessment tools focused on recidivism are able to classify offenders based on high, medium or low risks of repeat offending of any sort. This process certainly addresses a key question, but without the component of seriousness. In the following diagram, it is apparent that for someone to be at “high risk” to the community, at least in colloquial discussion, they must be both highly likely to commit an offense, and the offense they commit must be highly harmful. Rather than lumping together categories 3 and 4, as mapped by the diagram, what the community may prefer is that their tax dollars be heavily invested in category 4—with commensurate reduction of investment in the other three categories.

Priorities for Offender Risk Assessment

Likelihood of New Crime	Harmfulness of New Crime	Harmfulness of New Crime
	Low	High
Low	1	2
High	3	4

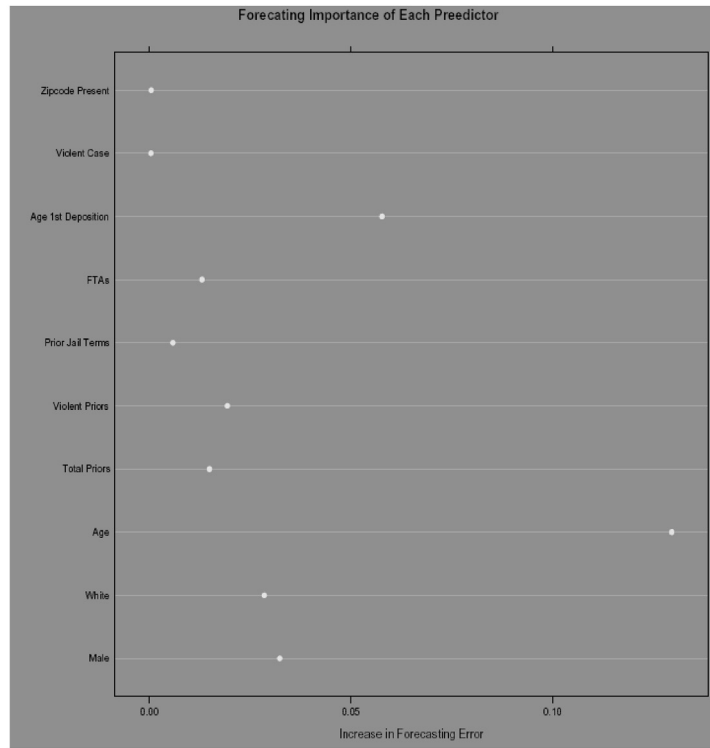
A new approach to risk assessment, in contrast, focuses solely on category 4 above. Using advanced data mining tools made possible by the advent of inexpensive supercomputers, the University of Pennsylvania has provided APPD with a new means of identifying offenders under its supervision who are most likely to be charged with murder or attempted murder. Based initially on all 519,168 cases assigned to APPD on electronic record for 1969-2005, the data on which these analyses are based are currently drawn entirely from more recent (21st Century) data.

These new risk assessments, developed under grants from the University of Pennsylvania, the Jerry Lee Foundation, and the Pennsylvania Commission on Crime and Delinquency, are the first of their kind ever offered to a probation agency. Their development has been led by Philadelphia's own Richard Berk, a Professor of Criminology and Statistics recently recruited by Penn from UCLA. Working in collaboration with the research staff of the APPD and other criminologists at Penn's Jerry Lee Center of Criminology Professor Berk has focused on ways to distinguish probationers most likely to be charged with murder (or attempted murder) from those who are not. His analysis can identify APPD cases who are up to 42 times more likely to be charged with such offenses than other probationers, on average. By using a range of information already found in the offenders' criminal histories, these tools forecast homicide risks among individual probationers and parolees using statistical methods similar to those employed in hurricane forecasting: identifying rare events, like needles in a haystack.

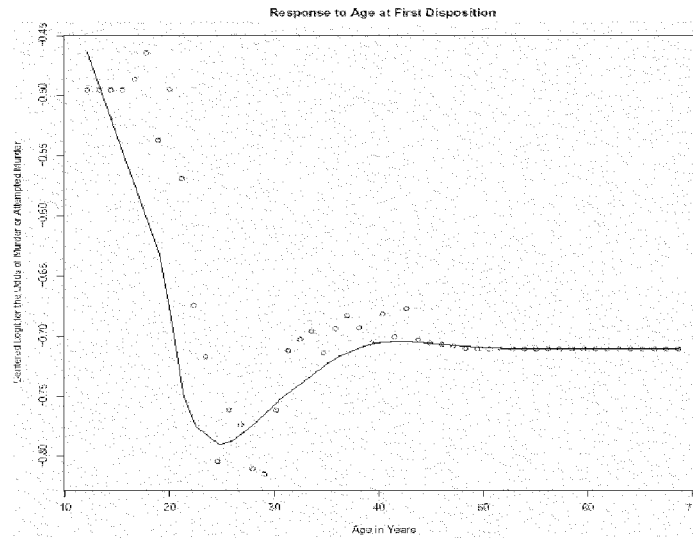
These statistical assessments yield an equation that identifies, in each case, a likelihood assessment based on each of the risk factors examined. It then takes all of the risk factors into account in a kind of statistical "parliament" adding up the yeas and nays on all the factors, with a summary score that identifies the estimated risk level for each case. The equation is derived from one large sample, and then use to predict the results for another large sample with a high degree of accuracy. By testing the model with actual cases of homicide and attempted homicide (as well as APPD cases not leading to such charges), the equation offers great confidence in forecasting homicide charges in the future.

The relative predictive power of each of the risk factors in one of the earlier versions of the analysis is depicted in the following graph presented by Richard A. Berk at the American Society of Criminology last November. Each dot reflects the degree of error

that deleting the risk factor would add to the overall model—a reverse statement of how important the factor is to making the model accurate.



The analysis shows, for example, the substantial importance of age at first adult prosecution (labeled in the above graph as “first deposition”) or “disposition,” regardless of whether a conviction resulted. The younger someone is when they are direct-filed on adult charges, the more likely that makes them to be charged with homicide or attempted homicide after being assigned as an APPD case. The following graph prepared by Dr. Berk for the 2006 ASC Meetings in Los Angeles depicts this relationship.



From these and many other analyses of APPD data, some APPD cases are clearly far more at risk of causing serious harm to the community than others. When that harm is defined as homicide, the probability that some will—and others won't—becomes so great that the APPD cases provide an extreme version of the city at large. In the Philadelphia population, APPD cases (and community supervision cases generally) pose much greater risk to the community than others. Within APPD cases, the difference is even more extreme.

By focusing on the cases most likely to commit the most serious offense—homicide—the APPD now has access to what may be the most advanced risk assessment tool in the country. Not even New York has yet moved beyond the analysis of recidivism for any offense type, despite its many advances in risk analysis. What New York does have, however, is a model for how to use risk analysis to restructure operations in order to invest more resources in its highest-risk cases.

The New York Experience

Since the mid-1990s, the New York City Probation Department has divided its cases into two categories based on probability of recidivism. The low probability cases include about 75% of the caseload, according to NYC Probation Commissioner Martin Horn. Both Commissioner Horn and some 30 of his highest-level officials came to Philadelphia last September to demonstrate their management system in the Ceremonial Courtroom at City Hall. These low probability cases are assigned to probation officers with a caseload of 500 offenders per officer. The reason such a high caseload is feasible is that the probationers perform their regular visits with computers rather than the officer.

On each visit, a low-risk probationer logs on to a computer screen by placing his or her palm flat upon the screen. This biometric identification triggers a response in the probationer's language (English or four others), either in words on the screen or—if the offender is coded as illiterate—in audio. The computer then asks the probationer the same questions that a human probation officer would usually ask: a checklist of items updating the probationer's home address, employment, compliance with probation conditions, and other matters. If the probationer has failed a drug test or been arrested since the last visit, the act of placing the palm on the screen triggers a notice to a security officer to come into the room where the probationer is standing to take the probationer into custody. In such cases, the probation officer managing the probationer will take appropriate action.

Because such actions are required so rarely, it is possible for one officer to supervise 500 low-risk probationers. And because this caseload allows many other officers to manage caseloads of 50 or less, the offenders at higher risk of recidivism get more attention. The time for this attention allows more intensive planning and action about how to turn the probationer's life around, from education to job training to job placement and mental health or drug treatment services.

The ten years of experience with this approach in New York has been enhanced by the growth of data-driven management systems, focused on a monthly meeting reviewing performance trends in each component unit managing the caseload. These management systems track the use of resources, the meeting of operational goals (such as completion of pre-sentence reports on time), and the failure rates of probationers—including the rate at which they are arrested for murder.

These systems are impressive and promising in their potential application to Philadelphia. The recent implementation of CPCMS in the First Judicial District makes the adaptation of such a COMP-STAT-like system even more feasible for Philadelphia. What New York can offer as a model is impressive. But so is what Philadelphia has recently initiated.

Recent Philadelphia Initiatives in Adult Probation and Parole

In April of 2005, the APPD co-chiefs initiated the planning process for a partnership with the University of Pennsylvania's Jerry Lee Center of Criminology. This process led to a

data sharing agreement in November of 2005, and the approval of the Penn Violence Reduction Partnership (PVRP) by the FJD's Administrative Governing Board in early 2006. In August of 2006, the FJD announced the PVRP's homicide prevention initiative under a special appropriation from the Philadelphia City Council, sponsored by former City Councilman Michael Nutter. In addition, Governor Rendell signed the state budget directing the Pennsylvania Commission on Crime and Delinquency to fund a research grant in support of the APPD initiative. In combination with \$500,000 from the Jerry Lee Foundation, the \$500,000 in city and state funding brought the APPD homicide prevention initiative to \$1,000,000 in first-year funding.

These funds have been spent to refine the forecasting model for murder and attempted murder, especially by employing the revised data from the CPCMS system. More important, they have been used to launch the 5-officer Strategic Anti-Violence Unit (SAV-U). In weekly meetings held since January 2006, Penn criminologists and APPD officials have met at the Jerry Lee Center of Criminology to develop and plan the SAV-U protocol implemented January 1, 2007. Since then, the APPD's SAV-U has developed and tested its protocol for supervising a randomly selected sample of the highest-risk people in the APPD caseload. The elements of this protocol include the following:

- Low Caseloads—from 3 to 15 cases per officer
- Psychiatric assessments for each case by a Penn psychiatric social worker
- Cognitive Behavioral Therapy provided by Penn for indicated cases
- Educational and literacy support as needed
- Targeted patrols by two plainclothes PPD officers and one probation officer to each case each week, on both scheduled and unscheduled occasions.
- Weekly and up to daily contacts between the probation officer and the case
- Preparation and support for re-entry if the case client is incarcerated
- Assistance in locating housing, drug treatment or other services

Cases selected for the SAV-U caseload are ineligible if they are already designated for YVRP, wanted on a warrant for failure to appear, or sentenced to a long-term incarceration for a new offense. All other high-risk cases are eligible, including those who are in Philadelphia Prisons at the time of the transfer of the case to SAV-U.

By the end of 2007, it is possible that the SAV-U caseload will rise to 75 cases, each of which will remain assigned to SAV-U for up to five years. The potential number of eligible high-risk murder cases, however, will be over 1,000. Using less serious crimes, such as rape, robbery and aggravated assault, the number of higher-risk offenders would rise to 15,000 or more. If each of those cases were assigned to probation officers with SAV-U caseloads of 15, there would need to be 1,000 probation officers just for those cases. These calculations raise questions about staffing levels, training, and standards, starting with the key question that can be addressed by federal grants-in-aid to jurisdictions that would use such money effectively to drive down the local—and hence national—homicide rate:.

Do Big Cities Have enough Probation and Parole Officers?

Judging by the Philadelphia staffing levels, there may be a critical shortage of community supervision staff capable of working with high-risk offenders. The question of how many offenders should be assigned to each probation officer is impossible to answer in the abstract. As an "issue paper" posted on the American Probation and Parole Association's website indicates (at <http://www.appa-net.org/about%20appa/caseload.htm>),

"The search for the single "magic number" for the optimal caseload size is futile, and counterproductive. It runs contrary to the current knowledge and practice in the field, and sets forth an unrealistic expectation that such a standard can be set, be achieved, and produce desirable results."

While the national workload for Probation Officers in Sweden, for example, is only 15 cases per officer for all kinds of cases, it is not clear that a single caseload is used for all offense types. Hence the APPA issue paper illustrates the diversity of caseloads that might be possible by distinguishing workload and caseload. In the case of priority levels—whatever the basis for the priority—the workload could be officers with different caseloads. This result is computed by applying a dif of hours to cases of different priority levels, as follows:

(Begin Quotation from <http://www.appa-net.org/about%20appa/caseload.htm>)

Case Priority	Hours Per Month	Total Caseload
High	4 hours	30 cases
Medium	2 hours	60
Low	1 hour	120

"One caseload officer = 120 hours per month

If the maximum number of hours available to the caseload officer is 120 per month, the caseload can be made up of 30 high priority cases, 60 medium priority cases, or 120 low priority cases. In all three instances, the officer would have a full workload, i.e., one where the number of hours needed to fulfill the minimum requirements on all the cases (demand) is equal to the amount of hours available to the officer (supply).

As the table illustrates, there are three caseloads where the total **number** of cases is very different, but the total **workload** is equal. When there is a mixture of all three priority level cases in one caseload, there are almost endless possibilities (between 30 and 120 in the example) as to the total number of cases in a given caseload that would equate to a full workload." (end quotation).

Even using such a formula, the caseloads across jurisdictions would vary widely. Philadelphia's APPD caseload is far more likely to commit murder than the caseload of other probation and parole agencies across the state, judging from the statistics reviewed

above, the high percent of all homicides statewide in Philadelphia (380 out of 749 in 2005, or 51%), and the fact that Philadelphia's APPD has only 24% of the adult offender probation and parole caseload of the entire Commonwealth (214,400 as of 2005; see http://www.pbpp.state.pa.us/pbpp/lib/pbppinfo/stats/CAPP_Report_2005.pdf) and 280 of the 1,340 county probation officers in the state. Put another way, Philadelphia has

- 50% of the murders in Pennsylvania
- 24% of the county-level adult probation & parole caseload
- 21% of the county probation officers

While Philadelphia may not have more *cases* per officer to supervise, it certainly has more potential for *crimes* per offender, and per probation officer caseload, than any other county in the state. It is the problem of risk, rather than caseload, that makes national standards problematic for Philadelphia. Whatever is true for murder is also true for other serious crimes, for which Philadelphia in 2005 had

- 1,024 of 3,400 rapes statewide—30%
- 10,069 of 19,000 robberies statewide—53%
- 10,139 of 28,000 aggravated assaults—36%

Based on the statewide percentage of murders, Philadelphia would need to have the same ratio of adult probation officers per murder as the rest of the state did in 2005. This formula equals

State PO total = 1340, minus 285 for Philadelphia = 1055
 State murder total = 749 – 380 in Philadelphia = 369
 Non-Philadelphia Probation Officers per murder 2005 = $1055/369 = 2.86$
 2.86 POs per murder statewide outside of Philadelphia
 Philadelphia murders 2006 (406) X 2.86 POs per murder =
1,161 APPD officers

A risk-based standard of workload, in contrast to a case-based standard, yields a substantially higher optimal complement of adult probation officers than Philadelphia has at present. This calculation is based solely on the risk-based standards for the rest of the state as of 2005. It is not suggested that this is the best or most appropriate standard. Rather, it simply illustrates the far higher risk level associated with the APPD caseload—and that of other FJD agencies—than is found, case per case, in other Pennsylvania counties.

Risk-Based Probation and Parole

Whether a community corrections agency has 1,000 officers, 500 or even 400, their best use for *homicide prevention* would be guided by a risk-based classification of probationers. This classification would not be based on the seriousness of the offense for which they have been assigned to community supervision. It would not be based on the

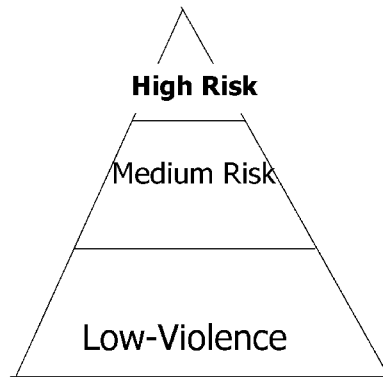
seriousness of their prior convictions. Nor would it be based on the simple likelihood of recidivism in any offense category. If a probation, parole or pre-trial supervision agency were staffed in accordance with its caseload's risk of homicide, it would be best advised to allocate caseloads according to risk of committing or attempting murder. A closely related option would be based on a probationer's risk of committing murder, rape, robbery, aggravated assault or a sex offense against a child.

Whatever the exact definition of the serious offense profile to be used as the basis for risk analysis, Philadelphia's APPD now has the capacity to forecast who is most likely to be charged with those offenses, based on their past behavior. This forecast can divide all APPD cases into three groups, like an emergency room "triage" process:

- High-risk violent offenders
- Medium-risk violent offenders
- Low violence-risk offenders

The third group may consist of cases with a high risk of property offending, but with a low risk of committing the serious violent offenses that the other two groups are likely to commit. The Medium-risk violent offenders would be people who pose a substantial threat, but for whom current resources do not allow the same intensity of supervision and support as those provided by the SAV-Unit. The high-risk violent offenders would be limited to the most highly ranked group of offenders identified by the advanced risk analysis model, with the cutoff mandated by the number of officers available to provide the SAV-U protocol.

Under this model, the APPD would be re-structured as a pyramid of caseloads and serious violence risk levels. At the top of the pyramid would be the smallest caseload with the highest risk. Just below would be a larger caseload with somewhat lesser risk. At the bottom would be the largest caseload with the lowest risk. An illustration is presented below:



Re-Structuring Current Operations

Re-engineering caseloads based on offender risk level could be done with or without adding more probation officers. Three main steps would be required: testing and implementing automated supervision for low violence-risk cases, expanding the application of the SAV-U protocol to high-risk cases, and reducing the caseloads for the probation officers supervising the offenders in medium-risk group.

Depending on where the statistical threshold is set for membership in each group, the 285 APPD officers could be assigned in something like the following structure

<u>Risk Level</u>	<u>Caseload</u>	<u>(%)</u>	<u>Cases Per Officer</u>	<u>Total Officers</u>
High	750	(1.4)	15	50
Medium	12, 250	(23.6)	55	222
Low	39,000	(75)	500	78
Total	52,000	(100)	149	285

This is not a model that could be implemented overnight. Each of the three steps could be taken simultaneously, but in a deliberate and careful fashion.

Automated Case Supervision could be tested on a pilot basis with a sample of 2,000 cases randomly assigned to either of two groups:

- 1,000 to the current system of face-to-face supervision with a high-caseload probation officer with 175 cases
- automated supervision by computers monitored by an automated case officer with 500 cases

After a six month period, the two groups could be compared for their rates of serious violent crime, as well as their rates of absconding, failure of drug tests, re-arrest for any offense, and reconviction (direct violation). If there is no difference between the two groups, or if the automated supervision group does better than the standard treatment group, then the APPD could proceed to implement the automated case supervision model with the entire caseload meeting the statistical standard of low risk. That standard would be set by the Chief of APPD, in ongoing consultation with the Jerry Lee Center of Criminology at the University of Pennsylvania.

Reducing Caseloads with Medium Risk Offenders. As the number of cases under automated supervision grows, the number of cases per probation officer can be reduced for supervising medium risk offenders. From a starting point in regional units of about 175 per officer at present, the caseload could move to the pyramid model of about 50 cases per officer. This figure, however, may still be far too high for effective prevention of serious crime, or for effective provision of support and surveillance. Lowering it still further would depend on increasing the complement of probation officers.

Expanding the SAV-U Protocol. This step can move forward independently of the automated case supervision process as the SAV-U protocol itself develops. Also required is the increasing availability of qualified, trained staff through recruitment and training. This step can be taken even without increasing the total APPD complement, but it would move much faster if that complement were to be increased.

Adding Officers for High-Risk Supervision

Federal recognition of the very high rates of homicide among community corrections caseloads may contribute to a dialogue about the ideal investment in adult probation and parole. Evidence on the effectiveness of low caseloads for high-risk offenders is also needed. The Philadelphia APPD is currently assessing the impact of the SAV-U protocol on the rates of serious crime committed by APPD cases. A randomized, controlled comparison between standard supervision and the 15-case maximum SAV-U protocol will be completed by early-to-mid 2008. Further conclusions can be drawn at that time, even while the question of how best to support high-risk people is being developed by trial-and-error.

Offenders identified by the forecasting model are typically people who have suffered enormous problems in life. They have often been abused as very young children. They have seen brothers and sisters shot or beaten. They have been arrested for dealing drugs as accomplices of their parents. They may have chronic depression, post-traumatic stress

disorder, anxiety disorder or chronic substance abuse. They may also be psychotic or suffer from bipolar disorder.

Given the complexity and needs of each offender, there is almost no limit to how much a probation officer can do to help bring order and hope to a (usually) young person's life. The only limitations are time, money, and imagination. Of the three, imagination may be the most important. The frustrations of working with such difficult cases are great. Such work is not for everyone. It is a far cry from spending the day asking questions and recording the answers. The SAV-U protocol requires a very different set of tasks and skills from the standard model of probation. It also requires a mutually supportive work culture, in which small teams of probation officers can support each other, sharing challenges, ideas, and commitment.

For these and other reasons, it may be best to grow the use of the SAV-U protocol through new recruitment, as well as by careful selection and training of experienced officers. That is exactly how the first 5 SAV-U officers were chosen, with 3 experienced APPD officers and 2 (plus one analyst) recent Master's degree in criminology graduates. The team is well-blended with different strengths and skills. Following that model might be accomplished most easily with a national recruitment and local retention program (see section 13 below).

Police Partnerships

One of the many questions about how best to supervise the most dangerous offenders is the role of the police in making sure offenders do not possess or carry guns. If greater investment in field contacts is shown to be an effective way to reduce murder, there will be a need for substantial increases in police officers dedicated to offender supervision. Two officers are needed for each probation officer during field visits. If a PO performs field visits 16 hours weekly, that would require 32 hours of police time. With preparation and intelligence work on each household to be visited, this would mean about one police officer for every probation officer working under the SAV-U protocol.

The number of police officers needed will therefore depend on the level of the city's investment in high-risk supervision. Assuming 50 high-risk probation officers with no increase in APPD staffing, there would need to be a minimum of 50 police officers assigned fulltime to SAV-U visits. If the City were to add 50 new APPD officers solely for the purpose of high-risk supervision, then the police complement required would be 100. If the City added 150 to high-risk supervision, the police complement needed would be 200.

Each of these police officers would be dedicated to a highly specific crime prevention mission. Consistent with the recent National Academy of Sciences review of the effectiveness of police strategies (http://books.nap.edu/openbook.php?record_id=10419&page=R1), the use of police for such highly specific purposes is likely to be more effective than increasing the capacity to

respond to 911 calls. Thus any program of adding police officers to the PPD, as many have recently proposed, could be accomplished by increasing the capacity of APPD to prevent homicide.

A Federal Grant Program

Since 9-11-2001, over 100,000 Americans have been murdered on the streets of our cities. The cost of preventing even a portion of these murders could be minimal in relation to what has been spent since that date on defense and homeland security. The federal government could invest in a high-yield program to gain knowledge about what works, at the same time that it could reduce homicide, by creating a program that would fund state and local probation, parole, pre-trial supervision, and juvenile probation and aftercare agencies to use their court-ordered conditions of community supervision in the following way:

1. Conduct a homicide-focused risk analysis of the factors best predicting homicide in the agency's caseload over at least 10,000 cases over at least two years.
2. Identify current cases with the high-risk factors identified by the risk analysis.
3. Assign a randomly selected sample of the high-risk cases to a low-caseload community supervision unit.
4. Focus the unit on working with offenders to prevent violence, by any appropriate, evidence-based and legal means indicated in a diagnosis of the offender's life history and mental health needs. This could include clinical treatments for such chronic disorders as PTSD, drug abuse, or depression.
5. Focus the unit on insuring that the offender does not carry or gain access to any guns.
6. Collect and record data among all high-risk offenders, both those randomly assigned to low caseload supervision and those in the "control" group, compiled in regular reports for federal publication of the comparative rates of homicide victimizations, arrests on charges of murder or attempted murder, and other crimes.

The grants would pay for university-agency partnerships, supporting the costs of both data analysis and community corrections staff. Minimum grants of \$500,000 per year would be needed to create the scale necessary for successful projects, which could be limited to agencies in jurisdictions with at least 50 murders per year. Such a program would be rational, risk-based, and evidence driven to learn whether or not it works, city by city, using randomized controlled experiments that would allow comparisons of effective and ineffective programs in terms of how they differed in their content. The result may or may not be a reduction in homicide in the short run. But in the long run the best way to combat murder is with scientific knowledge. That is something that the proposed program, if administered based on peer-reviewed decisions rather than earmarks, would be guaranteed to deliver.

**TESTIMONY OF DAVID M. KENNEDY, DIRECTOR, CENTER FOR
CRIME PREVENTION AND CONTROL, JOHN JAY COLLEGE OF
CRIMINAL JUSTICE, NEW YORK, NY**

Mr. KENNEDY. I would like to begin by offering my sincere thanks to Chairman Scott and to the Committee as a whole for holding this hearing and allowing me to be a part of it.

Individual lives, the trajectory of families and communities and in a very real way the success of the American experiment are at stake here for this issue is infused with race, however much we might wish it were not.

Getting this right means a new way of thinking and acting. I am now persuaded that we could put 100 times more gang members in prison or fund 100 times the number of prevention programs and that would not work either.

My simplest and most profound message is that we know today how to address this problem in a way that saves lives, reduces incarceration, strengthens communities, bridges racial divides and improves the lives of offenders and ex-offenders.

In 1996, the famous Boston Miracle cut youth homicide by two-thirds and homicide city-wide by half. What Boston did was both simple and profound. Boston assembled law enforcement, social service providers and community actors, including my old friend Teny, into a new partnership that created sustained relationships with Boston's gangs.

The partners stood together and spoke with one voice face-to-face with gang members. The violence was wrong and had to stop, that the community needed them alive and out of prison and with their loved ones, that help was available to all who would take it and that violence would be met with clear, predictable and certain consequences.

The new approach worked with an existing law using existing resources. The results were shockingly different. The first face-to-face meeting with gang members took place in May 1996. By the fall, the streets were almost quiet. The city averaged around 100 homicides a year through mid-1996. In 1999, it had 31.

The approach has worked just as well in jurisdictions all over the country. The nature of these interventions does not allow the strongest random assignment evaluation design, but in Chicago a sophisticated quasi-experimental evaluation by University of Chicago and Columbia researchers of a Justice Department project showed homicide reductions in violent neighborhoods of 37 percent.

When Richmond, in Chairman Scott's district, had its first offender call in, former Virginia U.S. Attorney Paul McNulty, now deputy attorney general, traveled back to Richmond to address the gang members personally. Last year at this time there had been 15 homicides in Richmond. This year, there have been four.

I am working with a team in Cincinnati in Congressman Chabot's district and with the U.S. attorney in Milwaukee in Congressman Sensenbrenner's district, and I will say to them what I have said to their constituents: We are now essentially certain from years of experience that if the work is done seriously, the results will follow.

Not all jurisdictions have implemented the strategies properly. Many that have, including Boston, the first and still best known

site of when effective interventions fail, this has highlighted the need for attention to institutionalization and sustainability. Frameworks for adapting the strategy to the most demanding jurisdictions, such as Los Angeles, need to be developed, but the record is increasingly compelling.

In the most recent strand of this work, begun in High Point, North Carolina, in Congressman Coble's district, we for the first time faced squarely the toxic racial tension that saturates these issues. In High Point, law enforcement spoke honestly to communities that enforcement was not succeeding, that they knew that, that they had never meant to do harm through relentless enforcement, but they had come to realize that they had.

Communities looked inward and realized that in their anger over historic and present ills, they had not made it clear to their own young people that gang and drug activity was wrong and deeply damaging to the community. Both law enforcement and community came to understand that what they were dealing with was not so much depraved individuals as it was out of control peer group and street dynamics.

So when the partnership met with High Point's drug deals, the community voice was clear and amazingly powerful. Scores of community members, including many immediate family, told the dealers that they were loved, needed, vital to the future of the community and would be helped, but were doing wrong, hurting themselves, hurting others and had to stop. Overwhelmingly, they have stopped.

This is transformational. Gang violence and drug crime is an obscenity, but so is mass incarceration. It is important that at-risk youth get help, but it is equally important that seasoned offenders get help. It is important to have firm law enforcement, but it is even more important to have firm community standards. It is important that law enforcement take action when the dangerous will not stop and that the community supports them when they do.

We now know that all of that can be brought to pass with in existing law, within existing resources and remarkably quickly.

The demand for these interventions nationally is enormous. These demands cannot be met. All of us involved in this work are swamped with pleas for help that we cannot answer. There is no larger framework in place to go to scale to help localities understand how to implement these approaches, learn from the constant refinements and innovations that occur at the local level, address key issues, such as sustainability and enhance the state of the art.

The Federal Government should make creating and supporting that framework a priority. We have learned profound lessons about how to address gangs, gang violence, the drug-driven crime that invariably travels alongside and, blessedly, how to begin to address the racial divides that undergird and perpetuate all of it and make us all less than we should be. We can do better.

[The prepared statement of Mr. Kennedy follows:]

PREPARED STATEMENT OF DAVID M. KENNEDY

I would like to begin by offering my sincere thanks to Chairman Scott, and to the committee as a whole, for holding this hearing and allowing me to be a part of it. Our topic today is profoundly important. Individual lives, the trajectory of families and communities, and in a very real way the success of the American experiment

are at stake. Both the problem and our response to the problem have grave implications. The life of an individual and a city can be destroyed by gang violence. But those lives can also be destroyed by the demonization of offenders and well-intentioned but profligate law enforcement: by the demonization of law enforcement and what follows in its wake, such as the toxic “stop snitching” thug culture; and by the well-intentioned failures of powerless prevention and intervention programs. Getting this right is crucial.

Getting it right means a new way of thinking and acting. I am now persuaded that no amount of ordinary law enforcement, no amount of ordinary intervention, and no amount of ordinary prevention will get us what we want and need. I do my work amongst extraordinary people: police officers and prosecutors, gang outreach workers, social service providers, parents, ex-offenders. They work with profound seriousness and commitment. But it does not solve the problem, and I think it never will. We could put 100 times more gang members in prison, or fund 100 times the number of prevention programs, and that would not work either. Our traditional framework for addressing this issue is simply unsuccessful.

There is now more than ample evidence that there is a different and far better framework: one that is successful. My simplest and most profound message today is that we know, today, how to address this problem: in a way that saves lives, reduces incarceration, strengthens communities, bridges racial divides, and improves the lives of offenders and ex-offenders. The evidence has been accumulating for over a decade and is now extremely persuasive. In 1996, the famous “Boston Miracle” cut youth homicide by two-thirds and homicide city-wide by half.¹ The Boston work was fundamentally simple and unexpectedly profound. Violence and drug activity in troubled neighborhoods is caused predominantly by a remarkably small and active number of people locked in group dynamics on the street. Boston assembled law enforcement, social service providers, and community actors—parents, ministers, gang outreach workers, neighborhood associations, ex-offenders, and others—into a new partnership that created sustained relationships with violent groups. The partners stood together and spoke with one voice face-to-face with gang members: that the violence was wrong and had to stop; that the community needed them alive and out of prison and with their loved ones; that help was available to all who needed it; and that violence would be met with clear, predictable, and certain consequences.

There are many myths about Boston. It was not draconian; there were very few arrests, and most enforcement used ordinary state law and probation supervision. It did not wrap every at-risk youth with services and support; we did not have the resources or capacity to do that. It did not rely primarily on law enforcement, or services, or the community; until the full partnership and strategy was created, no single group was very effective. But with the new approach, within existing law, using existing resources, everything changed. The first face-to-face meeting with gang members took place in May of 1996. By the fall, the streets were almost quiet. At its worst, in 1990, the city had 152 homicides. In 1999, it had 31.

The approach worked just as well elsewhere. Minneapolis was next—in the summer of 1996, there were 32 homicides; Minneapolis began its work over the winter, and in the summer of 1997, there were eight. The Indianapolis Violence Reduction Partnership, launched in 1998, cut homicide city-wide by 40%, and robberies and gun assaults in one of its most dangerous neighborhoods by 49%.² In Stockton, California Operation Peacekeeper, implemented in late 1997, cut homicide among Hispanic gangs by about three-quarters.³ In Rochester, New York, gang violence fell by two-thirds between 2004 and 2005. In Chicago, a Project Safe Neighborhoods initiative evaluated by the University of Chicago and Columbia University cut homicide among violent parolees by nearly 75%; they became nearly as safe as residents of the safest neighborhoods in the city.⁴ In Lowell, Massachusetts a strategy adapted to Asian gangs shut down shooting almost entirely.⁵ In Nassau County, Long Island, the strategy has been effective against a gang problem that includes the notorious MS-13 network. In High Point, North Carolina, in Congressman Cobles’s district, a

¹<http://www.ojp.usdoj.gov/nij/pubs-sum/188741.htm>

²McGarrell, Edmund and Steven Chermak (2004) “Strategic Approaches to Reducing Fire-arms Violence: Final Report on the Indianapolis Violence Reduction Partnership” Final report submitted to the National Institute of Justice, Washington DC

³Wakeling, Stewart 2003 “Ending Gang Homicide: Deterrence Can Work” California Attorney General’s Office/California Health and Human Services Agency

⁴Papachristos, Andrew V., Tracey Meares, and Jeffrey Fagan (2005) “Attention Felons: Evaluating Project Safe Neighborhoods in Chicago” The Law School, The University of Chicago, available at <http://papers.ssrn.com/sol3/papers.cfm?abstract=id=860685>

⁵Braga, Anthony A., Jack McDevitt, and Glenn L. Pierce. “Understanding and Preventing Gang Violence: Problem Analysis and Response Development in Lowell, Massachusetts.” *Police Quarterly* 9, no. 1 (2006).

parallel approach aimed at drug markets has virtually eliminated overt drug activity, violent crime is down over 20%, and a rich community partnership is working—often successfully—to help former drug dealers regain their lives.⁶ Inspired by High Point, Winston-Salem, Greensboro, and Raleigh have all followed suit, as have Newburgh, New York and Providence, Rhode Island, with others on the way. In Richmond, in Chairman Scott's district, a city partnership began meeting with gangs city-wide in October of last year. I spoke with police department officials last week, before being invited to this hearing, and they are getting the same wonderful results we have come to expect. Last year at this time there had been fifteen homicides in Richmond. This year, there have been four. I am working with a team in Cincinnati, in Congressman Chabot's district, and with US Attorney William Lipscomb in Milwaukee, in Congressman Sensenbrenner's district, and I will say to them what I have said to their constituents: we are now essentially certain, from years of experience, that if the work is done seriously, the results will follow.

This is not an unalloyed success story. Not all jurisdictions have implemented the strategies properly. Some who have (including Boston, the first and still best-known site) have let effective interventions fall apart, highlighting the need for attention to institutionalization and sustainability (notably, Boston has recently expressed its commitment to reinstating Ceasefire in the face of a spiraling homicide rate). Frameworks for adapting the strategy to the most demanding jurisdictions, such as Los Angeles, need to be tested and refined. And the theory of the gang strategy—that cities have basic gang dynamics that need to be addressed as a whole—has made it impossible to set aside offenders, gangs, or neighborhoods as “controls”, thus foreclosing the strongest random-assignment social science evaluations.

The evidence, however, is now quite clear. City after city has gotten the same kind of results. The strongest evaluation, the sophisticated quasiexperimental design used by the Chicago and Columbia researchers, shows the same impact as the original city-wide studies. The approach has been endorsed by both the Clinton Administration, through its Strategic Approach to Community Safety Initiative, and the Bush Administration, through its flagship Project Safe Neighborhoods initiative⁷ and the Executive Office for United States Attorneys (EOUSA). When Richmond had its first offender call-in early last year, former Virginia US Attorney Paul McNulty, now deputy attorney general, traveled back to Richmond to address the gang members personally. It has been endorsed by groups as diverse as Fight Crime Invest in Kids, in a report presented by law enforcement legend William Bratton;⁸ by the Children's Defense Fund;⁹ and by the National Urban League.

The story thus far is only a beginning. The Boston work is now over ten years old, and much has been learned during that time. The basic approach has always consisted of three essential elements: law enforcement, social service providers, and communities, all directly engaged with offenders. The most recent work, developed in High Point, has begun to show us how extraordinarily important the community component is, particularly what I have come to think of as “the moral voice of the community”. In the High Point work, we for the first time faced squarely the heavily and toxically racialized narratives that lie at, or barely below, these issues. When law enforcement feels that communities have completely lost their moral compass, they will not think to work with or influence communities. When communities feel that law enforcement is part of a conspiracy to destroy the community, they will not think to work with or influence law enforcement. When networks of offenders tell each other that they are not afraid of prison, not afraid to die, and have to shoot those who disrespect them, then they will do so.

But if I have learned anything during my career, it is that law enforcement desperately wishes to help, that communities desperately want to be safe and productive, and that nobody wants to go to prison or die. This is the transformative lesson of the High Point work: that none of us likes what is going on. Law enforcement does not want to endlessly arrest and imprison, without making any impact. Communities do not want to live with violence and fear. Even gang members and drug dealers love their families and want to be safe and successful. Everybody wants those who will take help to have it. Everybody wants the truly dangerous to be controlled. We do not think we are of one mind, but in the most important ways, we are.

In High Point, law enforcement spoke honestly to communities: that they were not succeeding, and they knew it; that they had never meant to do harm to communities

⁶ See Wall Street Journal “Novel Police Tactic Puts Drug Market Out of Business” September 27, 2006 <http://www.publicpolicy.umd.edu/news/Kleiman%20Reuter%20WSJ.pdf>

⁷ See, for example, <http://www.ojp.usdoj.gov/BJA/pdf/Offender-Notification-Meetings.pdf>

⁸ <http://www.fightcrime.org/reports/gangreport.pdf>

⁹ <http://www.childrensdefense.org/site/DocServer/gunrpt-revised06.pdf?docID=1761>

through enforcement action, but had come to realize that they had; that they would like to act differently. Communities looked inward and realized that in their anger over historic and present ills, they had not made it clear to their own young people that gang and drug activity was wrong and deeply damaging to the community. Both law enforcement and community came to understand that what they were dealing with was not so much individuals making bad decisions as peer, group, and street dynamics. So when the partnership met with High Point's drug dealers, the community voice was powerful, clear, and amazingly powerful. Scores of community members, including many immediate family, told the dealers that they were loved, needed, vital to the future of the community, would be helped: but were doing wrong, hurting themselves and others, and had to stop. Overwhelmingly, they heard, and they did. Very, very few had to be arrested subsequently, and many are now living very different lives. And offenders, communities, and law enforcement see each other in very different ways than they did only a short time ago.

This is transformational. Gang violence and drug crime is vicious, but so is mass incarceration. It is important that "at risk youth" get prevention, but it is equally important that seasoned offenders get it. It is important to have firm law enforcement, but it is even more important to have firm community standards. It is important that law enforcement take action when all else has failed, and that the community support them when they do. We now know that all of that can be brought to pass: within existing law, within existing resources, and remarkably quickly. This work is not just about crime prevention; it is about redemption and reconciliation. And it is real.

I want to say again that I cannot imagine any scale of investments in traditional activities, or even the starkest increase in legal sanctions, producing these results. We can do this today, immediately. If, ten years ago, the medical community had discovered a way to reduce breast cancer deaths among middle-class white women by 70%, every hospital in the country would now be using that approach. We have learned something that profound about this kind of crime problem. We should act like it.

The demand for these interventions is tremendous. Currently there is a small (but growing) number of researchers and practitioners who understand the underlying principles, have successfully implemented the strategies, and who continue to refine the basic approach. The logic of the approach is now quite well developed, as is its application in meaningfully different circumstances (west coast gangs vs. loose drug crews, for example); key analytic and organizational steps necessary for implementation; supporting aspects such as data and administrative systems; places in the process where errors are likely to be made; and the like. This is not a "cookbook" process, but the basic path and how to manage it is quite well understood. At the same time, the demand vastly outstrips current capacity to address it. New interventions are primarily driven by isolated researchers operating in "Johnny Appleseed" mode, working with individual jurisdictions to address their local problems. These researchers cannot begin to respond to even the requests that come to them directly. There is also increasing attention to these approaches from national groups such as the Urban League and the Children's Defense Fund. These demands cannot be met. When EOUSA held a two-day conference at the National Advocacy Center in Columbia, South Carolina in January of this year, some 200 people came from all over the country; many left committed to doing the work and are calling for help, but we have no way to give it to them.

There is no larger framework in place to "go to scale:" to help implement the approaches where they are needed, learn from the constant refinements and innovations that occur at the local level, address key issues such as sustainability, and enhance the state of the art. The Justice Department's Project Safe Neighborhoods, which strongly endorses these strategies, has gone some distance in supporting these needs, but additional focused and very practical help to jurisdictions nationally is badly needed.

A national effort to go to scale is entirely possible. It would have something like the following elements:

- A national set of "primary" jurisdictions, distributed regionally and chosen to incorporate the range of gang issues (i.e., west coast gangs, Chicago gangs, MS-13, drug crews);
- Close, continuing support from the current pool of experienced researchers and practitioners to work with researchers and practitioners in these jurisdictions to help them implement the strategies locally;
- Regular convening of teams from the primary jurisdictions, teams from a larger set of "secondary" jurisdictions, the core pool of researchers and practitioners, and a larger pool of "secondary" researchers and practitioners. In

these sessions, the basic strategies would be explained, implementation and implementation issues addressed; core technical assistance provided; on-the-ground experience from the primary sites shared and analyzed; innovations identified and shared; and key issues needing more detailed attention identified.

- Key documents such as implementation guides, research and assessment templates, process histories, case studies, evaluations, “lessons learned”, and the like developed and distributed. These could be bolstered with more or less real-time websites supporting implementation, answering common questions, presenting site findings and progress, noting local innovations, etc.
- As the “primary” sites solidified, the focus could shift to the “secondary” sites, which would now be well prepared to undertake their own initiatives. Horizontal exchanges between sites by a now considerably larger pool of experienced researchers, law enforcement, service providers, and community actors would now be possible. Continued convenings, or perhaps a series of regional convenings, would support the work in the new sites, address issues arising in the original sites, and allow the national community working on these issues to learn from local experience. This “seeding” process could continue as long as necessary to “tip” national practice to regarding these strategies as the norm. The large number of actors participating in the effort would add to this through their natural participation in local and national discussions, writing and publishing, professional activities, and the like.
- In this setting, a core research agenda, addressing for example new substantive crime problems and institutionalization and accountability issues, could be framed and pursued. Findings could be translated quite directly into action on a national scale.

Funding for this effort would be necessary for the technical assistance, convening, documentation/dissemination, and site exchange components. While additional funding for operational elements would of course be welcome, experience shows that redirecting existing resources in alignment with the basic strategy can produce dramatically enhanced results.

We now know how to address gang issues of great significance to troubled communities and to the nation. Despite this fact, understanding and implementation is proceeding slowly and is not likely to govern national policy and practice without a deliberate strategic effort. The federal government should take the lead in ensuring that this happens.

TESTIMONY OF JAMES CORWIN, CHIEF OF POLICE, KANSAS CITY, MO

Chief CORWIN. Thank you.

Mr. Chairman, Members of the Subcommittee on Crime, Terrorism, and Homeland Security, thank you for the opportunity to present this testimony.

My name is James Corwin and I have been a member of the Kansas City, Missouri, Police Department since 1979 and the chief of the department since 2004.

As a law enforcement leader, I have been committed to community-oriented policing approaches and problem solving in Kansas City. This approach has served our city well, especially the year before last when we faced a spike in homicide, going from 91 in 2004 to 127 in 2005. The homicide rate went back down in 2006.

Groups of individuals, typically neighborhood-based groups, rather than traditional gangs like Crips, Bloods and MS-13, were involved in many of those homicides. That is why I am grateful for this opportunity to share information with you about what works to reduce youth and gang violence.

I am also a member of the Fight Crime: Invest in Kids, an organization of more than 3,000 police chiefs, sheriffs and prosecutors and victims of violence who have come together to take a hard-nosed look at the research on what keeps kids from becoming

criminals. As a police chief, I know there is no substitute for tough law enforcement, yet law enforcement leaders like myself know better than anyone that we cannot arrest and imprison our way out of this crime problem.

Fortunately, research and our experience has shown that targeted investments that help kids get a good start in life and that intervene effectively to redirect juveniles onto different paths and prevent crime and make our communities safer.

To reduce crime in our communities, we should begin at the beginning. Beginning at the beginning means offering services to new moms, such as voluntary in-home parent coaching and ensuring that kids have access to quality early education and childcare. After school programs during the hours of 3 p.m. to 6 p.m., primetime for juvenile crime, on school days can also help in preventing crime.

Law enforcement is doing the best job we can do to deal with juvenile crime when it happens and to make sure dangerous juveniles are taken off the street. Most juveniles arrested are not likely to become serious offenders. Nationally, 6 in 10 juveniles brought before a juvenile court for the first time will not return to court on another charge. In recent years, there have been approximately 100,000 juveniles in custody nationwide. The vast majority of these troubled youth will be released back into the community with their expected prime crime years ahead of them and facing a re-arrest rate up to 75 percent. But it doesn't have to be that way.

A significant amount of the research has identified several effective approaches to help young offenders avoid committing further crimes, thereby enhancing public safety. For the most dangerous young offenders, especially those who are involved in a violent gang, the combination of intensive police supervision, expedited sanctions for repeat violence and expedited access to jobs, drug treatment and other services, a carrot-and-stick approach has shown in a number of cities that it can cut homicides among violent offenders in high-crime neighborhoods.

In Chicago, for example, when the carrot-and-stick approach area, there was a 37 percent drop in quarterly homicide rates when the project was implemented, while the decline in homicide in another similar neighborhood during the same period was 18 percent.

Simply warehousing high-risk offenders during their time in custody is not adequate. They need to be required to do the hard work of confronting and changing their antisocial beliefs and behaviors. Aggression replacement therapy, ART, can teach teens to stop and consider the consequences of their actions, to think of other ways of responding to interpersonal problems and to consider how their actions will affect others.

Young people in Brooklyn gangs without ART services had four times the number of arrests of similar young gang members receiving ART.

For offenders who do not need high-security lock up, individual placement in multidimensional treatment foster care, or MTFC, home can be used. Foster care may sound like a pass for juveniles who should be paying a more severe price for the crime they have committed, but for teens who are often used to running the streets and see a month in custody as just another chance to socialize with

delinquent friends or learn new criminal behaviors, this is a more controlled experience and a tough intervention.

The MTFC approach cuts the average number of repeat offense for serious delinquent juveniles in half. MTFC saves the public an average of over \$77,000 for every juvenile treated.

Similar cost-effective models that can be implemented in communities are functional family therapy programs and multisystemic therapy. Approximately 500,000 juveniles a year could benefit from evidence-based like FFT, MST, MTFC, yet only 34,000 are currently being served.

Here are the steps that Congress can take to implement those proven, effective crime-prevention therapies: implement effective, research-proven strategies, such as voluntary in-home parenting coaching, quality early childhood care and education and bullying prevention programs; ensure that any legislation to address gang violence provides funding for communities to implement comprehensive, coordinated carrot-and-stick response; enact and fund legislation such as the Second Chance Act to enable juvenile ex-offenders to successfully reenter their communities; reauthorize, strengthen and increase funding for Federal juvenile justice and delinquency prevention programs.

Being tough on violent crime is critical. However, once a crime has been committed, neither police nor prisons can undo the agony of the crime victim and repair the victim's shattered life. Thus prevention and intervention programs that use research-based techniques to prevent further crime and critical tools for making our neighborhoods safe.

I and my colleagues at Fight Crime: Invest in Kids, who are leaders of American law enforcement, are grateful that the Subcommittee is holding today's hearing and we look forward to working with you in implementing these recommendations.

Thank you.

[The prepared statement of Chief Corwin follows:]

PREPARED STATEMENT OF JAMES CORWIN

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United States House of Representatives
 Committee on the Judiciary
 Subcommittee on Crime, Terrorism, and Homeland Security

February 15, 2007
 Hearing

Making Communities Safer:
 Youth Violence & Gang Interventions that Work

Testimony by:
 Chief James Corwin

Chief of Police,
 Kansas City, MO

On Behalf of
 Fight Crime: Invest in Kids

Mr. Chairman and Members of the Subcommittee on Crime, Terrorism and Homeland Security:

Thank you for the opportunity to present this testimony. My name is James Corwin and I have been a member of the Kansas City Police Department since 1979 and Chief of the Department since 2004. During my thirty-year tenure in law enforcement, I have held numerous patrol, investigative, and administrative assignments. As a law enforcement leader, I've been committed to community-oriented policing approaches in Kansas City, and have applied that more holistic approach, working in coordination with the five sectors of our community: education, businesses, non-profits, faith-based entities, and neighborhood organizations. This approach has served our city well, especially the year before last, when we were faced with a spike in homicides—going from 91 in 2004 to 127 in 2005. (The homicide rate went back down in 2006.) Groups of individuals (typically neighborhood-based groups, rather than traditional gangs like Crips, Bloods, and MS-13) were involved in many of those homicides. That's why I'm grateful for this opportunity to share information with you about what works to reduce youth and gang violence.

I am also a member of FIGHT CRIME: INVEST IN KIDS, an organization of more than 3,000 police chiefs, sheriffs, prosecutors, and victims of violence, who have come together to take a hard-nosed look at the research on what keeps kids from becoming criminals.

As a police chief, I know there is no substitute for tough law enforcement. Yet law enforcement leaders like myself know better than anyone that we cannot arrest and imprison our way out of the crime problem. Fortunately, research—and our experiences—show that targeted investments that help kids get a good start in life and that intervene effectively to redirect offending juveniles onto a different path can prevent crime, and can make our communities safer.

To reduce crime in our communities, we should begin at the beginning. When children are having children, and there's no support structure in place for that family, we can't be surprised when some of those kids don't grow up to become successful adults. Beginning at the beginning means offering services to new moms, even before their kids are born, and preventing child abuse and neglect – that's one of our strongest weapons in the fight against crime. Child abuse and neglect increases the likelihood by 29 percent that an at-risk child will commit a violent crime when he or she grows up. Fortunately, quality, voluntary in-home parent coaching can help stop this cycle of violence. Voluntary, in-home parent coaching (or "home visiting") programs help new parents get the information, skills and support they need to be better parents and promote healthy child development. One program, the Nurse Family Partnership (NFP), has been shown to cut child abuse and neglect of at-risk children in half and reduce kids' and moms' later arrests by about 60% - saving an average of \$27,000 (net) for each family in the program. Unfortunately, most at-risk families do not have access to these vital services.

Head Start and other quality early education is another proven approach for preparing kids for school and keeping them away from crime. At-risk kids who were left out of Chicago's Child-Parent Centers, a pre-k program similar to Head Start, were 70% more

likely to have been arrested for a violent crime by age 18 than similar kids who participated. Head Start research confirms these findings. When you can offer kids a chance to be ready for school, they'll do better, be less likely to drop out, and be more likely to become productive citizens. And it makes sense that you'll save money – you've even got Federal Reserve Bank officials, like Art Rolnick, and Nobel Prize-winning economists, like James Heckman, touting the 16% return on investment from quality early education, a return that far exceeds the return on most public projects that are considered economic development. However, due to lack of state and federal financial resources, there remains significant unmet need with only about half of eligible poor kids nationally served by Head Start and less than 5% of eligible infants and toddlers in Early Head Start.

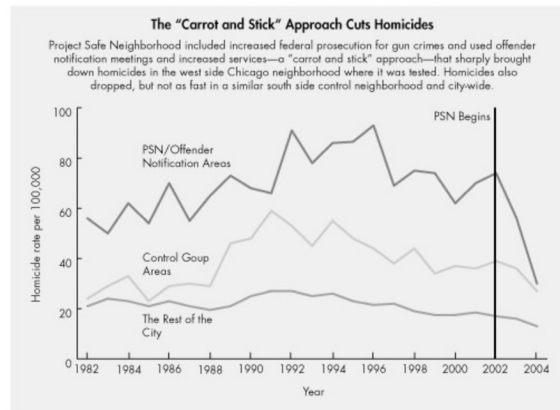
For school-aged kids, after-school programs that connect children to caring adults and provide constructive activities during the hours of 3:00pm to 6:00pm—the “prime time for juvenile crime” on school days—can also help in preventing crime. For example, a study compared five housing projects without Boys & Girls Clubs to five receiving new clubs. At the beginning, drug activity and vandalism were the same. But by the time the study ended, the projects without the programs had 50 percent more vandalism and scored 37 percent worse on drug activity. Regrettably, more than 14 million children nationwide still lack adult supervision after school.

The widespread problem of bullying affects one out of every three American children in sixth through tenth grade and can lead to more serious consequences, including violent crime and death. The most serious bullies are seven times more likely than other kids to carry a weapon to school, and one study demonstrated that four out of every ten boys who bullied others as kids had three or more convictions by the time they turned 24. Fortunately, there are cost-effective, evidence-based programs that can prevent bullying and reduce later crime and violence. The Olweus Bullying Prevention Program, for example, produced a 50 percent reduction of bullying in Norway and a 20 percent reduction when it was replicated in South Carolina. Moreover, for each high-risk juvenile prevented from adopting a life of crime, the country could save between \$1.7 million and \$2.3 million. Currently, not enough is being done to address the problem of bullying in our schools. Further action needs to be taken to implement evidence-based bullying prevention program components in every school district across the nation.

Law enforcement is doing the best job we can to deal with juvenile crime when it happens, and to make sure dangerous juveniles are taken off the streets. Most juveniles arrested are not likely to become serious offenders. Nationally, six in 10 juveniles brought before a juvenile court for the first time will not return to court on another charge. Research shows that the best results in reducing crime are achieved by targeting the worst offenders. The reason why is straightforward: one cannot prevent most low-risk juveniles from committing more crimes because they were not going to do more crimes anyway. But high-risk offenders are very likely to commit more crimes, and often. So any progress achieved with higher-risk juveniles results in very meaningful reductions in future crime. Effective screening tools exist to distinguish chronic and violent offenders from less serious offenders.

More serious juvenile offenders end up in custody. In recent years, there have been approximately 100,000 juveniles in custody nationwide. The vast majority of these troubled youths will be released back into the community, with their expected "prime crime years" ahead of them and facing recidivism rates of up to 75%. But it doesn't have to be that way. A significant amount of research has identified several effective approaches to help young offenders avoid committing further crimes, thereby enhancing public safety.

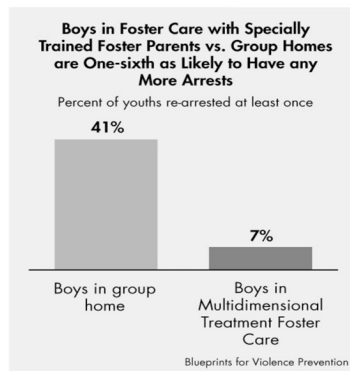
For the most dangerous young offenders, especially those who are involved in violent gangs, a combination of intensive police supervision, expedited sanctions for repeated violence, and expedited access to jobs, drug treatment or other services—a carrot-and-stick approach—has shown in a number of cities that it can cut homicides among violent offenders in high-crime neighborhoods. The carrot-and-stick approach has been successful in cities throughout the nation, including Chicago, Boston, and Philadelphia. In Chicago, for example, this comprehensive, community-wide approach was tried in a group of west side Chicago neighborhoods with a long history of high levels of homicide, with another set of dangerous neighborhoods on the south side of serving as the control group. In the carrot-and-stick approach area there was a 37 percent drop in quarterly homicide rates when the project was implemented, while the decline in homicides in the other neighborhood during the same period was 18 percent. David Kennedy's the expert on this approach, so you'll hear more from him about it.



Simply warehousing high-risk offenders during their time in custody is not adequate. They need to be required to do the hard work of constantly confronting and changing their anti-social beliefs and behaviors. Cognitive Behavioral Therapy (CBT) uses tested,

concrete methods, such as Aggression Replacement Therapy (ART), to teach teens to stop and consider the consequences of their actions, to conceptualize other ways of responding to interpersonal problems and to consider how their actions will affect others. By learning what triggers their negative behaviors and by identifying and practicing more pro-social and effective ways to respond, CBT consistently reduced repeat crimes among juveniles. Young people in Brooklyn gangs without ART services had four times the number of arrests of similar young gang members receiving ART.

For offenders who do not need high-security lock-up, individual placement in a Multidimensional Treatment Foster Care (MTFC) home can be used as an alternative to lock-up. Foster care may sound like a pass for juveniles who should be paying a more severe price for the crime they committed. But for teens who are often used to running the streets, and who see a month in custody as just another chance to socialize with delinquent friends or learn new criminal behaviors, this is a more controlled experience and a tough intervention. MTFC provides specially trained foster parents and ongoing supervision by a program case manager, as well as frequent contact and coordination of services with a youth's parole or probation officer, teachers, work supervisors and other involved adults during and after a youth's out of home placement. This approach incorporates effective reentry practices. Compared to similar juveniles placed in non-secure group facilities, the MTFC approach cuts the average number of repeat arrests for seriously delinquent juveniles in half, and six times as many of the boys in MTFC as boys in a group home successfully avoided any new arrest. MTFC is also cost-effective. MTFC saves the public an average of over \$77,000 for every juvenile treated.



Effective interventions that incorporate community sanctions have also been shown to reliably cut crime. One such program is the Functional Family Therapy (FFT) program. FFT works to engage and motivate youth and their families to change behaviors that often result in criminal activity. In one evaluation from Salt Lake City, families with troubled youths were randomly assigned to either a group that received FFT or one that did not. The youths whose families received FFT were half as likely to be re-arrested as the youth whose families did not receive the family therapy. By reducing recidivism among juvenile offenders, FFT saves the public an average of \$32,000 per youth treated.

Similarly, the Multi-Systemic Therapy (MST) program targets kids who are serious juvenile offenders by addressing the multiple factors – in peer, school, neighborhood and family environments – known to be related to delinquency. One MST study followed juvenile offenders until they were, on average, 29-years-old. Individuals who had *not* received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to be arrested for a violent offense. It is also less expensive than other mental health and juvenile justice services like residential treatment and incarceration, saving the public \$4.27 for every dollar invested. While there are times when the nature of the crime or crimes committed simply demand that a juvenile be sentenced to custody, there are other situations that court ordered alternative sanctions and interventions that do not include custody may actually work better to reduce future crime.

What reduces crime saves money ¹⁰³	Savings or costs per participant				
	Costs avoided by crime victims ¹⁰⁴	Savings to taxpayers from crime reduction only ¹⁰⁵	Program Costs	Net savings to taxpayers	Net savings to taxpayers and victims
Functional Family Therapy for youth on probation (FFT)	\$19,529	\$14,617	\$2,325	\$12,292	\$31,621
Multi-Systemic Therapy (MST)	\$12,855	\$9,622	\$4,264	\$5,358	\$18,213
Multidimensional Treatment Foster Care (v. regular group care) (MTFC) ¹⁰⁶	\$51,828	\$32,915	\$6,945	\$25,970	\$77,798
Aggression Replacement Training (ART)	\$8,897	\$6,659	\$897	\$5,762	\$14,660

Washington State Institute for Public Policy 12/06

Law enforcement agencies made an estimated 2.2 million arrests of youth in 2003. Approximately 500,000 juveniles a year could benefit from evidence-based programs like FFT, MST and MTFC, yet only 34,000 are currently being served—only about 1 in 14. The remaining chronic, serious or violent juvenile offenders are often placed in less effective, and, therefore, ultimately more costly alternative programs, or no programs at all.

Approaches with proven results like those outlined above should be more widely implemented across the nation. Fortunately, some states have begun to integrate these types of interventions into their juvenile justice systems. Missouri, with a strong track

record of reducing repeat crimes by changing juveniles' antisocial behavior, serves as a model for restructuring juvenile facilities. By moving teens needing confinement from large impersonal institutions to smaller facilities where they may receive the individual training they need to control their anti-social behaviors, Missouri has cut re-committal to its state juvenile facilities within three years of release to 15 percent. Troubled teens in these smaller, more effective facilities are not just doing their time, they are learning to change their lives.

Although certain states have begun to implement these proven approaches, it frequently takes federal leadership to encourage communities to experience the value of certain programs.

Here are steps that Congress can take to implement these proven, effective crime prevention strategies:

- Expand efforts to prevent child abuse and neglect by enacting and funding legislation to expand and improve evidence-based in-home parent coaching programs for at-risk families ("the Education Begins at Home Act");
- Expand and improve quality early childhood care and education by reauthorizing and fully funding Head Start and Early Head Start;
- Reauthorize and increase funding for 21st Century Community Learning Centers in order to improve quality and expand access to the program, particularly among at-risk middle and high school students who now experience the greatest unmet need;
- Enact legislation to help schools implement evidence-based solutions like the Olweus bullying prevention program;
- Ensure that any legislation to address gang violence provides funding for communities to implement comprehensive, coordinated "carrot and stick" responses;
- Enact and fund legislation to help states and localities to develop and implement strategic juvenile offender reentry plans, similar to the 109th Congress' Second Chance Act, to enable juvenile ex-offenders to successfully reenter their communities;
- Reauthorize, strengthen, and increase funding for federal juvenile justice and delinquency prevention programs.

Being tough on violent crime is critical. However, once a crime has been committed, neither police nor prisons can undo the agony of a crime victim and repair that victim's shattered life. Thus, prevention and intervention programs that use research-based techniques to prevent future crime are critical tools for making our neighborhoods safer.

I and my colleagues with FIGHT CRIME: INVEST IN KIDS who are leaders of American law enforcement, are grateful that this Subcommittee is holding today's hearing and we look forward to working with you to implement these recommendations.

Thank you, and I would be happy to answer any questions that you may have.

Mr. SCOTT. We have been joined by the gentleman from California, Mr. Lundgren.

Thank you.

Ms. Fernandez?

TESTIMONY OF MAI FERNANDEZ, LEGAL AND STRATEGY DIRECTOR, LATIN AMERICAN YOUTH CENTER, WASHINGTON, DC

Ms. FERNANDEZ. Good morning, Mr. Chairman and Members of the Committee. I want to thank you all for having me here today.

And I would also like to invite you all to the Latin American Youth Center, which is about a 20-minute cab ride here from Congress. So if you want to see a program that works, get in a cab, go 20 minutes north and you will be there.

I would like to tell you a little bit about the Latin American Youth Center where I work. We have been in D.C. for over 30 years and a little over a year ago we opened three sites in Maryland. We are a community-based, multicultural, multilingual youth and family development center. We provide educational programs and tutoring to enable youth who are in school to stay in school and go on to college. For young people who have dropped out, we provide GED preparation and workforce training. We offer alternatives to incarceration programs for youth inside the juvenile justice system and reentry programs for youth exiting it.

Additionally, we provide counseling and substance abuse assistance, foster care and residential placement for youth in need of such services.

Through our different programs, we serve about 3,000 youth annually. I think it is safe to say that many of our youth and young people are gang involved or have been gang involved at some point in their life. However, only a small number of our young people are involved in criminal activity. Let me explain.

Many of our parents of our youth emigrated to the United States to find safety and a better way of life for their children. On arriving in the United States, many of these parents find themselves needing to work two and three jobs just to make ends meet. Keeping the family clothed, fed and housed becomes the priority. Unfortunately, this means that children are not provided the proper supervision, and schools are not prepared to meet this need.

The lack of supervision often leads to boredom and a sense of insecurity, which causes the children to join gangs. Joining a gang gives youth a group of friends to hang out with and a sense of security which they cannot get elsewhere in their lives. These kids are not super-predators. They are young people looking for a sense of belonging. Most youth who are in gangs are not criminals.

Having said this, I am a former prosecutor from Manhattan and do believe that when a gang member gets involved in criminal activity, there needs to be decisive law enforcement response. Three and a half years ago, our neighborhood, Columbia Heights, D.C., where the youth center is located, was plagued with a spree of Latino gang-related murders. Law enforcement acted swiftly in their investigation of these cases and apprehended the perpetrators.

Several of these young people are now serving life sentences. The law enforcement response sent a clear message to other gang-involved youth: You commit crimes, you will be punished.

During this gang crisis, both the community and the police realized they should not only respond to gang-related criminal activity, but should also work together to prevent it. As a result, the Gang Intervention Partnership, the GIP, was created. The GIP brings together police, probation officers, prosecutors, community-based and social service providers and develops intervention strategies for youth who are at high risk for committing crimes.

GIP has focused not just on reducing violent behavior but on addressing the myriad of social and economic issues, such as family situations, employment status, school attendance, peer relationships and limited recreational opportunities which can create environments that lead to violence amongst young people. GIP's holistic approach marries prevention and intervention initiatives with intelligence gathering and law enforcement efforts, providing a new model for reducing gang violence.

As a GIP community partner, the Latin American Youth Center has focused its efforts on outreach to gang-related youth, working closely with gang-involved young people to offer them educational, art, recreational and leadership programs as well as other opportunities to help them live healthy lives and connecting with caring adults.

From its inception, GIP has concentrated on a set of core strategies, conducting intensive targeted police work and building on strong police community partnerships, providing targeted outreach to gang-related youth and their families, educating parents and community members and improving and expanding access to service to critical families and strengthening and diversion.

What often occurs is that a community member will find out that a youth is in some kind of trouble. The members of the GIP come together to ensure that the youth is supervised, that he or she is involved in structured activities. In instances where the youth has faced real security problems, arrangements have been made to place a youth in witness protection programs.

This last fall, the GIP program was independently evaluated by the Center for Youth Policy Research. The evaluations found that the GIP's comprehensive approach dramatically reduced Latino gang-related violence in D.C. Their findings cited that there has not been a Latino gang-related homicide in the District of Columbia since October 9, 2003. Our results are significant.

In a 4-year period prior to forming the GIP, there were 40 shootings and stabbings. Twenty of those victims died. In the 3 years since the GIP has been developed, there have been five shootings and stabbings. Only one has led to a homicide.

In addition to reducing violence, the evaluation found that GIP achieves each of its other four goals: decreasing gang membership, reducing the number of gang-related suspensions in targeted schools, increasing the involvement of at-risk youth in recreational and productive activities and building community capacity and consciousness about gangs.

Thank you very much.

[The prepared statement of Ms. Fernandez follows:]

PREPARED STATEMENT OF MAI FERNANDEZ

Good afternoon, Chairman Scott and members of the Subcommittee. It is a pleasure to be before you today to speak on issues related to youth violence and gang interventions that work.

Before I go into the substance of my testimony, I would like to tell you a bit about the Latin American Youth Center (LAYC) where I work. We have been in DC for more than years and a little over a year ago we opened 3 offices in Maryland. We are a community-based, multi-cultural and multi-lingual youth and family development center. We provide educational programs and tutoring to enable youth who are in school to stay in school and go on to college. For young people who have dropped out of school, we provide GED preparation and work-force training. We offer an alternative to incarceration program for youth inside the juvenile justice system and re-entry programs for youth exiting it. Additionally, we provide counseling, substance abuse assistance, foster care and residential placement for youth in need of such services.

Through our different programs, we serve about 3,000 youth annually. I think that it is safe to say that many of them are gang involved or have been gang involved at some point in their life. However, only a small number of our kids are involved in criminal activity.

Let me explain. Many of the parents of our youth immigrated to the United States to find safety and a better way of life for their children. Upon arriving in the U.S., many of these adults find themselves needing to work 2 to 3 jobs just to make ends meet. Keeping the family clothed, fed and housed becomes the priority. Unfortunately, this means that children are not provided the supervision that they need.

The lack of supervision often leads to boredom and a sense of insecurity which cause the children to join gangs. Joining a gang gives a youth a group of friends to hang out with, and a sense of security which they cannot get elsewhere in their lives. These kids are not super-predators—they are kids looking for a sense of belonging. Most youth who are in gangs are not criminals.

Having said this, I am a former prosecutor from Manhattan, and do believe that when gang members get involved in criminal activity there needs to be a decisive law enforcement response. Three and half years ago, Columbia Heights, D.C., where the Youth Center is located, was plagued with a spree of Latino gang-related murders. Law enforcement acted swiftly in their investigation of the cases and apprehended the perpetrators. Several of these young people are now serving life sentences. The law enforcement response sent a clear message to other gang-involved youth—if you commit crimes you will be punished.

During this gang crisis, both the community and the police realized that they should not only respond to gang related criminal activity, but should also work together to prevent it. As a result the Gang Intervention Partnership—the GIP—was created. The GIP brings together police, probation officers, prosecutors and community-based social service providers to develop intervention strategies for youth who are at high risk of committing crimes.

GIP has focused not just on reducing violent behavior, but on addressing the myriad social and economic issues, such as family situation, employment status, school attendance, peer relationships, and limited recreational opportunities, which can create environments that lead to violence among young people.

GIP's holistic approach marries prevention and intervention initiatives with intelligence gathering and enforcement efforts, providing a new model for reducing gang violence.

As a GIP community partner, the Latin American Youth Center has focused its efforts on outreach to gang-related youth, working closely with gang-involved young people to offer them arts, recreational and leadership programs as well as other opportunities to help them live healthy lives and connect them to caring adults.

From its inception, GIP has concentrated on a set of core strategies: 1) Conducting intensive and targeted police work and building strong police/community partnerships; 2) Providing targeted outreach to gang-related youth and their families; 3) Educating parents and community members and; 4) Improving and expanding access to services critical to family strengthening and diversion.

What often occurs is that a community member will find out that a youth is in some kind of trouble. The members of the GIP come together to ensure that the youth is supervised and that he/she is involved in structured activities. In instances where the youth has faced real security problems, arrangements have been made to place the youth in witness protection programs.

This last fall, the GIP program was independently evaluated by the Center for Youth Policy Research. The evaluators found that the GIP's comprehensive approach dramatically reduced Latino gang-related violence in DC. There findings

sited that there has not been a Latino gang-related homicide in the District of Columbia since October 9, 2003.

The numbers of youths shot or stabbed in the Columbia Heights/Shaw neighborhoods dropped from 40 in the four-year period before GIP (summer 1999-summer 2003) to five in the three years since GIP was created (August 2003-August 2006). In the four years preceding GIP, 21 young people died as a result of the 40 violent attacks. Since GIP was introduced, just one of the five shootings/stabbings resulted in loss of life and each of the shooting cases has been closed by MPD within 48 hours.

In addition to reducing violence, the evaluation found that GIP achieved each of its other four major goals—decreasing gang membership; reducing the number of gang-related suspensions in targeted schools; increasing the involvement of at-risk youth in recreational and other productive activities; and building community capacity and consciousness about gangs.

The evaluation demonstrates clearly that when there is close coordination and collaboration between law enforcement, government officials, the schools and community partners, there can be great strides in battling youth violence.

Importantly, the evaluation shows that a youth who has been involved in gang-related criminal activity can turn around his/her life.

GIP's success results from not focusing on one piece of the gang equation, but instead dealing comprehensively with the education, prevention and enforcement pieces and then coordinating these activities in a very disciplined manner.

For other jurisdictions working to reduce gang-related violence, the Gang Intervention Partnership offers three years of experience, providing a guide to some of the challenges and obstacles that may arise when a community puts together a holistic, multi-agency and highly effective response.

In the past three years, we've learned a lot through the GIP—about the importance of communication, coordination and collaboration. About the need for multiple sectors to work together. About the need to respond quickly and aggressively to even small incidents—so that they're dealt with before they flare up into violence or additional violence. We've also learned how important it is to be in the schools—to be getting information to the schools as well as back from the schools.

Our community has been able to tailor an effective and appropriate response to gang-related crime in our area. I want to emphasize, however, that different gangs have different ways of operating and, therefore, community leaders need flexibility to respond to the unique gang problems in their area.

Even within a small geographic area such as DC, the types of interventions that will work in Columbia Heights may, for example, differ from the precise intervention needed in Southeast.

The Federal Government should facilitate the process of developing community responses to gang prevention and intervention by providing resources and technical assistance. Congress should not pass legislation that applies a universal solution to all jurisdictions.

Thank you for your time. I am available to answer questions at this time.

Mr. SCOTT. Thank you.

Mr. Logli?

TESTIMONY OF PAUL LOGLI, CHAIRMAN OF THE BOARD, NATIONAL DISTRICT ATTORNEYS ASSOCIATION, WINNEBAGO COUNTY, IL

Mr. LOGLI. Thank you. And I want to thank you, Chairman Scott, on behalf of the National District Attorneys Association for this opportunity to present our concerns about gang violence and to share some thoughts on what we as America's prosecutors and you, the Congress, can do to counter this growing threat to public safety.

The views that I express today represent the views of our association and the beliefs of thousands of local and State prosecutors who have primary jurisdiction in the matter of violent crime and specifically in the area of youth and gang crime.

I was privileged to testify before this very same Committee 2 years ago and I am going to use some of that testimony as a basis for my testimony today.

After hearing many of the members of this distinguished panel, there is not a whole lot new that we can add. There are some very fine programs out there that I think America's prosecutors are embracing. Many of those programs wouldn't work except for the involvement of local prosecutors. And so I want to disabuse anyone of the idea that I or any of the other local prosecutors are only concerned with trying and imprisoning gang members.

To counter the gang problem, we need effective community partnerships, to deter our children from becoming enamored with the gang life. While we need strong and effective criminal prosecution, we also need those diversion programs to prevent young people from making bad decisions, getting into trouble, bringing back those that have already started to make bad decisions and gotten into trouble. And, lastly, we need to develop meaningful reentry programs so that those persons who have already been convicted and sent to prison can somehow be reintegrated back into our societies with a chance to succeed.

When I testified 2 years ago, based on recent Federal reports we estimated there were 731,000 gang members. Two years later, in the same report, and that was the report for 2004, it appears that there are now 760,000 gang members, and I heard a figure this morning from the Chairman that it is estimated that today, 2007, there are about 850,000 gang members. So the problem continues to grow as we discuss this problem and try to define strategies.

But numbers don't tell the full story. If you talk to any local prosecutor, you will find out that more and more of the gang members are increasingly young, 12 or 13 years old. We have an increasing problem with witness intimidation. People who do step forward to testify against gang crime many times pay the price with their very lives. We see that gang members are now using technology more and more. They have their own Web sites. Major gangs have their own Web sites. Google up the gang names.

We have disputes that have begun in our community, my jurisdiction of Rockford, Illinois, where we think we have got the situation kind of calmed down, well, then the gang members use their pages on MySpace to further disrespect other gang members, competing gang members, and the fight begins again. What starts on MySpace erupts into violence in the community.

We see gangs out of Chicago moving into central Wisconsin with the Native Americans and developing new drug markets by introducing cheap drugs and then eventually raising the prices when they get the young members of the tribes in Central Wisconsin addicted to drugs. Very effective marketing strategies. These are sophisticated organizations.

We need the combined efforts of State, local and Federal law enforcement, but local prosecutors can lead community involvement. We are connected to the community. We can bring those resources together and combine effective prosecution for those gang members who have already stepped over the line, but also mobilizing the community to prevent it in the first place.

We welcomed Mr. Kennedy to our jurisdiction just recently and we are laying the groundwork for a program that he described this morning within my jurisdiction.

We, in our team effort, welcome the assistance from Federal law enforcement, the ATF, ICE, Secret Service, FBI, the local U.S. Attorneys Office. And, in fact, the local U.S. Attorney is working with us on Mr. Kennedy's program and helped to bring several of our local people down to the National Advocacy Center in Columbia, South Carolina for training just in that program.

We could also use Federal assistance in the area of preventing witness intimidation. We support, in principle, I believe we support specifically H.R. 933, introduced by Mr. Cummings, that would provide Federal support for local efforts to protect witnesses to violent crime.

We need to be proactive in our communities, to identify gang threats early and to respond decisively. As we testified, the gang problem is growing.

On behalf of America's prosecutors, I and the National District Attorneys Association urge you to take steps to provide Federal assistance to State efforts to fight our gang problems, to provide us with the resources to effectively prosecute and to protect victims and the witnesses to violent crime.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Logli follows:]

PREPARED STATEMENT OF PAUL LOGLI

My name is Paul Logli and I am the elected State's Attorney in Winnebago County, Illinois. I am now the Chairman of the Board of the National District Attorneys Association.

I want to thank Chairman Scott, on behalf of the National District Attorneys Association, for the opportunity to present our concerns about gang violence and share some thoughts on what as America's prosecutors, and you the Congress, can do to counter this threat to public safety. The views that I express today represent the views of our Association and the beliefs of thousands of local prosecutors across this country.

I was privileged to testify before you in April 2005 and would like to begin with that testimony as the juncture for where we go today. I would also like to commend to you the testimony by the Honorable Robert P. McCulloch, Prosecuting Attorney of St. Louis County, Missouri, when he was NDAA president, before a hearing of the Senate Committee on the Judiciary on September 17, 2003

LOCAL GANG PROBLEMS

When I testified before you previously I cited the 2002 National Youth Gang Survey, published by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice which then estimated that there were approximately 731,500 gang members and 21,500 gangs were active in the United States in 2002.

That same report for 2004 (published in 2006) indicates that the number of gang members had grown to 760,000 and there were 24,000 gangs; increases of 4% and 12% respectively in a 2 year period. Please remember that this report is three years old and we can only expect that the next will show a comparable or even greater increase.

Two years ago in April 2005, I testified before this very same Committee and described the gang situation in my jurisdiction of Winnebago County, Illinois, population 290,000. Let me remind you, my jurisdiction is located in the top tier of counties in the State of Illinois. We are an easy 1 1/2 hour drive from Chicago and, to our north, Milwaukee, Wisconsin. Both cities have experienced significant gang activity and that gang activity has certainly had an effect on my jurisdiction. Two years ago I mentioned that Hispanic or Latino gangs had become major players in criminal activity in Winnebago County. Inter-gang warfare between several of those gangs had resulted in fire-bombings and murders. Recently the Rockford Police Department, which is the largest law enforcement agency in my jurisdiction, prepared

a report detailing gang-related activity from August through December 2006. In those 5 months we had identified 101 major felony arrests tied into various street gangs. Thirty-seven firearms were recovered in the investigations surrounding those incidents.

In that 5 month window we have identified nearly a dozen street gangs, but the criminal activity is definitely dominated by the Latino gangs namely, the Latin Kings and the Surenos. The gangs do not appear to be highly structured or organized. They are, however, comprised of individuals who once having identified an enemy and starting a dispute will keep that dispute alive until it erupts into violent activity in the streets of our city. Many of the gang members now use their pages on MySpace to disrespect opposing gang members. It seems that just when a dispute might settle down it is quickly re-energized through the trading of on-line insults and other methods of disrespect. Quickly the dispute once again escalates into violence on our streets. Investigation into these incidents is obviously hampered by language difficulties and a lack of cooperation among many of the young people of the Latino community. A distrust of the police and authorities in their native countries has been transferred to this country.

NUMBERS DON'T TELL THE FULL STORY

As with all things, pure numbers don't portray an accurate picture of what law enforcement is seeing in the way of several disturbing trends

Younger Gang Members and Victims

Perhaps most troubling is that we are seeing even younger children recruited into the gangs, providing support for the activity of gangs or being caught up in gang violence. Couple this with parents or adult mentors who entrench the gangster mentality in these children and the availability of illegal guns and drugs and you have the making of our current predicament.

In Sacramento a 15 year old boy was shot in the head as he was walking with students leaving his high school at 2:30 in the afternoon. The drive by shooting was witnessed by police officers and a vehicle was stopped. The first person out of the van was a six year old holding his birthday balloon. A mother and her three children were accompanying her boyfriend and his gangster friends on a drive-by shooting. It was the six-year-olds birthday.

In San Mateo, California, it is not unusual to find "third strikers" who are not even 21 but facing life in prison.

Last week there was the story from New Orleans of the mother who gave her son a gun after he lost a fight. His mother sent him back out with a gun clear and instructions to get revenge. He did as his mother instructed and killed the 17 year old boy who had beaten him up. At home "mother" had a picture of her son holding the murder weapon and a wad of money.

In Queens, New York, an undercover drug operation in public housing last year led to the arrest of defendants who ranged in age from 15 to 62. They included five alleged Bloods gang members and nine GIB (acronym for "Get It In Bricks") gang members who were charged with selling crack and powdered cocaine, heroin, oxycontin and marijuana to undercover police officers on more than 140 separate occasions

Albuquerque tells us that a very violent gang there is currently moving large amounts of meth out of Mexico, hiring Mexican nationals to run the drugs for them, and then selling it on the street with the use of younger, minor gang members. The increasing use of 16- and 17-year-olds involved in violent crimes, usually with an older gang member who has the juvenile "do the dirty work" is based on the belief that the juvenile will not get any time. In some cases this is true.

Wichita, Kansas tells a similar story. In 2005, 141 juveniles between the ages of 13 and 17 joined gangs and 147 juveniles between the ages of 13 and 17 became "associate gang members." The youngest child claiming to be a gang member was 7 years old!

Columbia, South Carolina is also facing an increase of younger gang members. An 11 year old claimed to be the "baby set" king for Folk Nation; 20 kids wore home made t-shirts to schools on the same day that read "Stop Snitching" to scare a fellow class mate who was helping the police investigate a series of car break-ins; and school official estimate that a quarter of the fights that break out in Middle School and High School usually involve someone "disrespecting" someone else's gang by using the words "Donut" (insults a Folk), "Crab" (insults a Crypt) and "Slob" (Insults a Blood). Most schools have cracked down on kids wearing certain colors so the kids have begun to change the color of their shoe laces, wear band-aids in certain locations, or wear name brand name university logos that have gang meanings (e.g. UNC for Crypts).

Gang “wanna be’s” also contribute to the increased participation of juveniles in gang activities. In Kalispell, MT, the “406 Crips” appeared and ultimately turned out to be a half dozen local boys aged 14–16 that formed that “gang.” New initiates had to get jumped by their crew to be initiated. In addition to the “406 Crips” there are also the “F 13’s” and the “440 GGG’s.” The latter is a new group to law enforcement but they believe that its members range from 13–16 years of age and are a mix of males and females. They do know that several purported members have had previous contact with the Youth Court.

Even when they don’t actively join a gang, the violence associated with gang life impacts our children. Hmong gangsters in Sacramento spotted rivals in the middle of a crowded intersection at 1:00 on a Sunday afternoon. Two of them got out of their vehicle and fired fourteen shots into their enemy’s car. They did this while standing next to a church bus filled with children on a field trip. The shooters walked back to their car but the light was red and they were stuck in Sunday afternoon traffic. Twenty five children witnessed a gang execution, along with countless citizens stuck at a major intersection of south Sacramento

Witness Intimidation

In my previous testimony I alluded to “Attacks on Our Criminal Justice System” and the problems we were encountering in protecting witnesses to gang criminal enterprise. This has almost become epidemic in proportion.

Let me have the words of a veteran prosecutor from Queens, New York, portray what they face:

“There are issues that are inherent to these (gang) cases and experienced by gang prosecutors throughout the country. The most vital issue is the issue of witness cooperation. Victims of gang violence and eyewitnesses are loathe to report or cooperate with the police and the Prosecutor’s office. The universal reason is fear. They fear retaliation. Unlike perpetrators of other types of crime, gang members who are arrested, leave behind armies of loyal members who are free to intimidate and threaten witnesses. Many of the crimes occur either at or near the victim/witness’ home or school. These are areas that the victim or witness must return to on a daily basis. These types of crimes cannot be prosecuted without civilian witnesses. In order to win the battle against these violent gangs we must be armed with more resources to ensure the safety of witnesses. Witness protection funds are generally scarce and precious. Due to the limited nature of such funds, the guidelines for moving someone out of a public housing project usually require an actual threat. We cannot cultivate a witness’ trust and confidence in the Criminal Justice System if we are saying to them “we cannot help you until the gang has made its move.” Increased funding will allow us to take preemptive steps such as relocation, assignment of detectives, or even a simple cell phone to facilitate contact with the police.”

Across the county, in San Bernardino, California, two recent cases aptly make the New York prosecutor’s point. In the first, a gang member, paroled from prison after serving time for a carjacking, forced his way into the house of a witness who had testified against him. He shot and killed the witness and his father and wounded the witnesses’ infant son who was sitting on his lap. In the second case, a witness, who had testified against 2 gang members in a murder trial, was dragged from his apartment, after being beaten and when his body is found later it had 25 bullet holes in the head and chest. According to media reports the witness had known that the gang was after him, and “lived a ‘life on the run’—even sleeping while wearing his shoes and using drugs to stay awake as much as possible.”

A young girl paid with her life in Houston, Texas, for taking a stand against a gang. One gang member got into an altercation with another drug dealer from New Orleans over whose turn it was to sell drugs to a crackhead. After the fight was over, the defendant told the other drug dealer that he was going to come back and kill him, and that is exactly what he did. A fifteen year old girl was the only witness and she was brave enough to come forward and tell the police. A cousin to the first defendant found out she was talking to the police and he and the defendant threatened to kill her if she continued to cooperate with the law. Because she continued to cooperate, the defendant was arrested and when the cousin found out, he assaulted the girl. The cousin was charged with retaliation. Then the fifteen year old girl turned up missing. She was finally identified as a homicide victim just a few days after the retaliation warrant was executed. She was found with multiple gunshot wounds to the head and body in the parking lot of an apartment complex some distance from her home.

Use of Technology

Gangs are also becoming more sophisticated in the use of technology to bolster their efforts. Social networking sites on the web are replacing graffiti on walls as places for gangs to boast of their exploits and recruit members. Perhaps most chilling are reports from Mexico where gangs have adopted the media techniques of Middle Eastern terrorists and show scenes of torture and murder on these sites to scare off competitors and boast of their both prowess.

Nationally gangs such as 'The Latin Kings,' 'Bloods,' and 'Crips,' have websites on the Internet. They are savvy at protecting the contents of the sites from non-members by creating viruses that attack a nonmember's computer if they get onto the sites. This allows Sets from all over the country to communicate with each other. The "My Space.Com" is highly popular with Gangs, promoting gang culture to other teens and posting photos of young members holding weapons and other criminal proceeds.

Most drug gangs have began to use anonymous, throwaway phones and switching out chips in phones to avoid wire taps. Law enforcement in Staten Island had information that one of these gangs had gotten their wire tap information from watching "The Wire."

The District Attorney in Albuquerque tells us that after a recent homicide of a 17-year-old gang member, a social website showed his picture with an X across it and 187. The numbers "187" refer to a part of the California penal code on murder, thus making it made clear this was retribution for a previous shooting.

An interesting article last Sunday, from Newhouse News Service, articulated how thug life has realized the value of the internet. The article stated that:

"But in a few clicks of a computer mouse, online viewers can see all sorts of videos, music and other Web postings with clear depictions of young men who authorities say are known members of Trenton's Sex Money Murder Bloods.

In about 15 videos posted on YouTube.com and at least two My Space.com pages, young men who identify themselves as members of the gang have posted rap music videos and other footage and pictures of them hanging out on Trenton streets and partying together, clad in red and flashing what authorities say are gang signs.

In several of the YouTube videos, city housing projects are clearly visible as young men brag using their street names. And in one, a man is filmed arriving at his sentencing at the Mercer County Courthouse in Trenton, bidding his friends farewell as they sip from a bottle of Remy Martin cognac."

Providence, Rhode Island has seen this use of social web sites to glorify gang life. Recently there was a felony assault on a Crip by a Blood using a baseball bat. The victim barely survived and had no idea who attacked him. Members of the Providence Police Gang Squad started to monitor web sites. They found a site created by one of the Blood members. That member had included on his site a hard-core rap song that he sang bragging about the specific details of the crime.

One prosecutor from the Washington suburbs painted this use of technology in perhaps a much more personal vein.

"Less than two years ago, my daughter was in 6th grade in a public school. One day I was talking with my wife about gang activity. My daughter chimed in with some disturbing statements: that their are mostly CRIPS in her school, that CRIPS aren't that bad, that lots of kids wear colors, that a CRIP had been knifed (in New Jersey). She also asked whether all CRIPS were bad people and similar suggestive questions. As it turns out, in addition to the stories and glorification of gangs being spread by other kids in school, she had also been online chatting (AIM) with a proclaimed CRIP in New Jersey who passed on the knifing story. My daughter was also going through a phase that included rap/hip hop style music which led her to innocently mimicking some gang hand signs when having her picture taken. Needless to say, the AIM program was deleted and other precautions have been taken."

To see how gangs use the web visit

<http://www.clantone.net/> ; www.chicagomobs.org ; www.chicagogangs.org

New Markets & Threats

The "business plan" of some of the gangs could be used as a text book study in any MBA program. A rural county in Wisconsin is home to a rather significant population of Native American members of the Ho Chunk Nation. Over the past few of years a group of members of Gangster Disciple gangs in Chicago have traveled to this rural area for the purpose of expanding their crack cocaine distribution net-

work. Crack cocaine has obviously been a problem for some time but in this case the method of distribution was new. Gang members began going there 2 years ago and setting up drug houses where cocaine was given away or sold at fire sale prices for the purpose of growing the market base and creating new addicts. The dealers would rotate; some would travel for re-supply while others sold. As the market expanded these dealers targeted the Native American population and began appearing en masse on "Per capita payment day," a quarterly event where members of the Ho Chunk Nation received their portion of the tribes gaming proceeds. Reminiscent of the traders on the frontier the gang members would sell crack cocaine to all of the newly grown addicts at full price.

The adaptability of gangs is something we all need to take into consideration when we explore the means and methods to counter or end their influence. Nothing is more illustrative than their increasing forays into the sale and distribution of meth. With the passage of the Combat Meth Act the Congress gave the states a powerful tool by which they apparently have been able to drastically reduce the number of meth labs. While the Combat Meth Act helped the environment and has provided added protections for our children who were exposed to the harmful by-products of meth production there is still a demand for meth. Gangs have been able to swiftly and effectively exploit that need for meth and fill that void.

Gangs are also starting to go into mortgage fraud; an easy way to launder their money and look legitimate in the process. Cook County (Chicago) just charged a Gangster Disciple with mortgage fraud. He would buy a property at foreclosure, get a phony appraisal, get an unsuspecting buyer, phony up their income, then make a profit at closing. The Black Disciples have also engaged in mortgage fraud and even also bought a radio station and used it to warn their dealers on the street when the police would be coming.

Gangs are expanding beyond their "historical" turf in new and alarming ways. Houston has experienced what may be a new trend in violent gang crime, where gangs have been sending for a member from another state or country to do a hit. They then send the hit man back home and there is little, if any trail, of the hit man.

And perhaps most disturbing is the recent report from Los Angeles where ethnic "cleansing" has become a goal of gang life. This is a concept alien to the American culture but it appears that Hispanic gangs have set out to kill members of the African-American community because they live in a largely Hispanic community.

POPULAR MISCONCEPTIONS

First I want to disabuse the members of this Subcommittee, and any who read my testimony, from thinking that I, or any other prosecutor, is only concerned with trying gang members. To counter this gang problem we need effective community partnerships to deter our children from becoming enamored with the "thug life." While we need strong and effective criminal prosecutions we also need diversion programs to lure back those that have crossed the line. Lastly we need to develop meaningful re-entry programs to give those who have known little else but gang life a chance to succeed after they serve time.

No one facet of this will accomplish what we need to do. If we don't deter our youth from the gangs then we will have a never ending prosecution and imprisonment process we have to remove those who serve as evil influences—either by incarceration or by changing their desire to be a gang banger by giving them a chance to a meaningful existence.

Secondly I want to emphasize that gang members are not dumb—their use of technology, and what can almost be described as "business plans" and their adaptability aptly illustrate their "smarts." Unhampered by the need for legislative action or procurement rules they can be much more responsive to changing circumstances than law enforcement—unless we work smarter.

EFFECTIVE STRATEGIES

Community Teamwork

Many of our communities have developed what appear to be effective strategies to counter the gangs, and gang "wannabe's" that threaten their safety and security.

The combined efforts of state, local and federal law enforcement are key elements but they cannot succeed without enlisting the will of the community. To this end we need to make sure that we use our all too scarce resources effectively and efficiently. As I stated when I testified before you in 2003

"Local prosecutors are successful in prosecuting crime because they have the expertise, experience and connection to the community that is needed to combat

the types of crimes that most affect the American people, and, under consideration here, in combating gang violence.”

I think the key words here are “connection to the community.” We have the ability to be able to mobilize all the resources of our towns and counties to end gang violence. This is the ultimate in the idea of “community prosecution”—that is getting out into our communities to work with our citizens and to mobilize their efforts and talents.

As part of our responsibilities we need to lead efforts for gang deterrence programs and be instrumental in the re-entry effort. In the summer of 2005 the Board of Directors of NDAA adopted a formal resolution that states

“(T)he National District Attorneys Association believes that prisoner reentry has become a crucial criminal justice issue. While the NDAA recognizes that the role of prosecutors in the arena of prisoner re-entry will vary according to individual state law, America’s prosecutors should, where practicable, be participants in addressing this issue in an effort to reduce recidivism and ensure the safety of victims and the community.”

A copy of that complete policy can be found on the NDAA our website at <http://www.ndaa.org/pdf/policy-position-prisoner-reentry-july-17-05.pdf>

In this team effort we do need assistance from Federal law enforcement. The ATF, ICE, the Secret Service and all the other federal agencies have played key roles in those communities that have shown the most success in combating gangs. These agencies have the resources and technical capabilities many local agencies do not have or need only on rare occasions. As the gangs become more dependant on technology the federal capability to conduct electronic surveillance, for instance, is crucial.

I repeat what I said the last time I was here because it is crucial to what we need to do.

“It is the ability to bring the respective talents and resources of the local and federal authorities together at the appropriate times that result in the successes we are all looking for in the fight against gangs. I would urge that this become the hallmark of your efforts in ending gang violence.”

As a cautionary note, however, I would like to emphasize that the federal tendency to make “one size fit all” works counter to the strength of utilizing community efforts. Our communities differ, our gang problems differ and accordingly our responses must differ. What Congress can bring to this is the flexibility and adaptability to meet the will of our communities.

Witness intimidation

Prosecutors across the country believe that the issue of witness intimidation is the single biggest hurdle facing any successful gang prosecution. As you’ve seen from the trends we’re facing, the problem of witness intimidation and retaliation is increasing drastically. Various jurisdictions have tried to establish some type of witness protection program but lack of resources and fearful witnesses are difficult obstacles to overcome.

While NDAA had not taken a formal position on H.R.933, introduced by Mr. Cummings, we have supported this effort in the past and I would see no reason why we won’t be supportive in this Congress. It would establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

In addition I would urge that you consider providing funding to study what works for witness protection programs at the state and local level, provide “seed” money to begin programs and then help the states find sources of revenues to continue to fund these programs.

Funding for Local Prosecution Efforts

We need to be proactive in our communities to identify gang threats early and respond decisively. Two years ago I testified that our resources were stretched thin—since then the resources of all local prosecutors in the United States have been cut even more.

DeKalb County, Georgia is a prime example of the problem that faces local law enforcement. The County has a population of 700,000 with over 2500 documented gang members representing over 140 gangs. The local police department has only 1000 officers; meaning they have anywhere from 2.5 to 5 gang members for every police officer on the street. Only 4 officers are designated as Gang Detectives and

1 ICE agent is assigned to this area. There are approximately 107,000 students in local schools and only 2 School Resource Officers are dedicated to gang intelligence. The County does not have the “luxury” of dedicating even one prosecutor full time for gangs; they hope one will be funded out of their next budget.

Clearly, additional resources in this area are a critical need and if used wisely they will make a positive difference.

On behalf of America’s prosecutors I, and the National District Attorneys Association, urge you to take steps to provide federal assistance to state efforts to fight our gang problems and to provide us with the resources to effectively protect those brave enough to confront the gang bangers. We look forward to continuing to work with you on addressing this growing problem.

TESTIMONY OF TENY GROSS. EXECUTIVE DIRECTOR, INSTITUTE FOR THE STUDY AND PRACTICE OF NONVIOLENCE, PROVIDENCE, RI

Mr. GROSS. My name is Teny Gross. It is a true honor to be here.

I wish my parents were alive. My dad, after World War II—my first bar of chocolate was from an American G.I., and my older sister used to take me to the American Embassy for the library every Tuesday to borrow books, and I ended up marrying an American girl and ended up working in Boston for 10 years and now 5 years in Providence, Rhode Island.

What happens in this civilization matters a lot. This is the longest running democracy on the planet, in history, in fact. The Athenian democracy lived a lot shorter and it does concern a lot of us; the levels of violence are absolutely astounding. It is actually safer to be an Israeli soldier in uniform in Lebanon than it is to be an African-American man in Washington, D.C., between the age of 17 to 40. That is a staggering, staggering statistic.

We have lost in the last 25 years about 580,000 people to homicide; 10 Vietnam Wars. Those are things that we live in. I dream of speaking to our elites at 3 in the morning at the emergency room when we are picking up the pieces.

Before I move on, I just want to introduce three of our street workers that we brought over from Providence who work at the Institute. Senior street worker A.J. Benson, street worker David Cartagena and street worker Sal Monteiro, who have seen the streets, have been involved with gangs, have been involved with violence and are now legends and constantly called upon by educators, by social workers, by doctors, by police officers, to mediate conflicts in the city.

I have studied in some very, very fine schools in this country and I love philosophy, but what I will speak about today is from pure experience of 15 years in the trenches.

In two cities now, particularly in Boston and in Providence, where I have worked, I have seen that a smart group, a partnership by a very motivated and concentrated group of people, like prevention, like a few academics, gang unit officers, clergy and youth workers can make a huge amount of difference. When you bring these five groups together, you basically have the intelligence on the whole city, who is committing the violence.

One of the efforts that David led in Boston was, initially the problem was 60,000 children. We narrowed it down to 1,200 gang members, 300 are hard core. You see how it becomes a more rational problem to tackle?

And then, really, we are the linebacker. We are really the ones who are everyday trying to hit those conflicts, work on them, mediate them. Violence is very, very rarely random. It is between known people.

So Philadelphia recently, by November 15, I think I read in the *Enquirer*, picked up 5,000 guns and still homicide peaked over 400. We cannot just go after the guns. Someone is using it against someone they know.

What we do in Providence now, we have perfected the Boston model. It is a more sophisticated one. Any time there is a conflict in school, little things, we are already jumping on it. We have meetings like police com stat, where we look at the current conflicts, we assign them to street workers. Street workers know different gangs, they come from different gangs, they come from different sides of town.

So we always, as opposed to the social worker model, where you know a client and you try to serve them, we actually know your enemy. The fact that Teny now wants to go to college after he has inflicted pain on his city meant nothing if my enemy doesn't let me do that. You need someone on the other side, and that is what we do.

When I went out, recently, about a year ago, a major shooter of an Asian gang said to me, away from his crew, in the park, he said, "Teny, I am exhausted. I wish I could live in the suburbs."

Well, David has worked with him in that year, and he has been taken away to Job Corps in another State, removed from that environment, which is what he wanted. You keep him in that environment, he is going to continue to be a shooter. He has too many conflicts.

So there is no cookie cutter solution, but we do know the solutions now. It is going to take having practitioners. One of the things that I am dazzled with, when I come at 3 in the morning, back from an emergency room and I have to wind down, I look on the Internet. We spend a lot of money on research, we spend a lot of money on pilot programs. We have no stamina. I wish we picked up a little bit from the Japanese and looked a little bit at longer-term solutions.

It is almost like sending the Army to Iraq just for having researchers at the Pentagon. You need people in the trenches. And most of us work in programs. I have the greatest support of the mayor. The chief is on our board. The U.S. Attorney has helped fund us. And it is still a massive struggle to fund 13 street workers.

So there are good programs, and I am here on the panel with people I admire and there are everywhere around the country great people, and we are all burning out. There is nothing to sustain us. And so using Congress actually—I was listening to talks related to the funding community and foundations, none of them really fund practitioners. They have moved now to change policy. They have moved now to pilot programs.

We need to change the model of funding. There are people who need to be in this field and you cannot keep them. It is an anomaly to have someone like me, with a Master's from Harvard, staying in

this field at 41 with no retirement. It is an anomaly. It shouldn't be.

We need to rebuild—if I would suggest research as well, to have a practical research that, what will it take to build an infrastructure of youth workers around the country. What are the expenses? We will have a library on the second floor. There will be a jazz orchestra where the kids learn. There will be a theatre program.

We need to bring civilization back to the neighborhoods where violence happens. I was stunned in Providence that only one full-time person is in a rec center and the only training they had in the last 20 years is CPR. And those are the people we want to turn the attitudes of our kids? We are absolutely shooting ourselves in the leg.

I have to stop here. Thank you.

[The reference material of Mr. Gross follows:]

REFERENCE MATERIAL OF TENY GROSS

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Teny Gross

From: Teny Gross [teny@nonviolenceinstitute.org]
Sent: Sunday, July 09, 2006 12:44 PM
To: 'teny@nonviolenceinstitute.org'
Subject: Edwatch by Julia Steiny: A plea to turn mean streets into a 'beloved community' (Providence Journal)



Edwatch by Julia Steiny: A plea to turn mean streets into a 'beloved community'

Sunday, July 9, 2006

According to Teny Gross, "Boston has 11,000 summer jobs for kids. D.C. has 11,000. Providence has maybe 400, and 37 of them are ours."

By "ours," Gross means jobs offered by the agency he directs, the Institute for the Study & Practice of Nonviolence. The institute focuses much of its effort on urban youth, and summer is a volatile time for high-energy teens. Gross, the institute's executive director, all but gloats over a report by the Justice Policy Institute that found a direct correlation between unemployment rates and incidents of violent crime and juvenile justice referrals. In short, summer jobs reduce street crime.

Gross says, "During the summer, city kids learn how to be in a gang, how to drink, take drugs. Their parents are working and can't be home to watch them. But the kids are still learning. The human mind is always learning, but we leave thousands of kids to learn what they can from the streets in the summer. We've forgotten what childhood is. It's the boot camp of adulthood. And what is boot camp but the place that teaches you the culture of the organization. This is how we do business here. So the summer is absolutely critical."

On Wednesday, Gross stood with Providence's Mayor David Cicilline and Police Chief Dean Esserman at a news conference, urging the business community to either hire kids directly or to create 20-hour-a-week work opportunities that the institute can combine with training in nonviolence, for the "Beloved Community" summer program.

Nonviolence-education programs are the institute's stock in trade. The programs run in the public schools, the Police Academy, the Training School and the Adult Correctional Institutions. For a taste of their message, here's what Gross said recently to a group of fathers in maximum security at the ACI, "We got to stop this pit bull society. You train your boys, your sons, to look hard on the street. I want you to show your boys how to be soft -- crying, laughing. Looking hard doesn't look so tough in the funeral home. Teach them to be soft so they can stay alive. Teach them that learning is what's hard."

As an Israeli, Gross grew up in the midst of war and was himself a soldier, so he added, "Being an Israeli helps on the streets. People know I don't come from soft." (The institute's Web site has more on his personal story -- www.nonviolenceinstitute.org)

But you can't teach peace only by talking about it. Peace in American cities also requires getting out onto the streets themselves and befriending kids. Sadly, the principal education of many young people in urban poverty is on the streets. Poor males may not have money or opportunity, but they have their dignity, which for many is hard won in literal battles -- fistfights, gang warfare and other proving grounds. The currency most valued is a reputation for being tough and hard.

Gross is hell-bent on reshaping that culture by getting as many nonviolence-trained adults as possible out there. He's a nut

8/7/2006

about how badly all kids need close adult relationships. Only when they have personal relationships with peaceful adults will there ever be any hope of turning them away from the real-life violence so irresponsibly glamorized by the entertainment industry.

Gross illustrates the kinds of toxic adult relationships all too available to urban teens by relating what a drug dealer, Sal, told him years ago. "Sal says, 'I'm here in the morning when Johnny goes to school. I'm here when he goes home. His mom gives him a buck to get milk; I give him another for orange juice. I'm here all the time. You're not. I win.' "

So the institute hires streetworkers -- there are 10 now -- to provide alternatives to the Sals of this world. The streetworkers make themselves available to anyone trying to settle a beef; they mentor kids and hang out wherever folks gather in order to learn about potentially explosive parties, feuds, tempers, the flow of drugs and so forth. The institute would dearly love to have 15, but money is a persistent and burdensome problem.

The streetworkers are men and women who themselves grew up steeped in street culture, experts, as it were, on the harsh, macho rules of engagement that quickly escalate to violence if left unchecked. Some have been to jail; some have not. But neighborhoods trust these people. Perpetrators of gun battles and fights have been known to protect streetworkers from harm. Gross believes that the 'hood would never trust people from the outside with the kind of information that helps the workers disarm or stop fights.

Not surprisingly, the streetworkers and the police have rubbed each other wrong, on occasion, but in general, the institute has an excellent working relationship with the police. Gross admires Chief Esserman and appreciates his department's partnership. Gross notes that "even the cops say we can't arrest our way out of this problem. But this country always chooses law enforcement solutions."

Gross would invest in relationships. "The trend in America has been: Let's fund the research and evaluation. So we're funding the thinking class, the chattering classes. But what you need is boots on the ground. And those boots need to be hired from the neighborhoods.

"We need to get off our high horses and get with the kids. When kids drop out, we, the adults, failed them."

No kidding. And in the summer, when most schools are taking a break, business, government and after-school programs need to pick up the slack. Perhaps it's time to invent a youth WPA summer project -- fix up a school, plant a park -- something in which the kids can take ownership, learn useful skills, interact with community adults and be proudly productive. Hopefully, more and more people, businesses and agencies will help Gross and the institute do the job this culture shirks.

Gross can't believe what a low priority kids are in America.

Neither can I.



THE RELUCTANT

WARRIOR

As the intrepid director of the Institute for the Study and Practice of Nonviolence, **TENY GROSS** survives on caffeine and willpower. But the prophet of Providence would love to put himself out of a job.

by DENISE DOWLING photography by JARED LEEDS



It's Halloween night, near the witching hour.

Boys lurk behind bushes, eggs cradled in their palms, ready to strip the paint job from another car. Teny Gross, executive director of the Providence-based Institute for the Study and Practice of Nonviolence, steers his Ford Contour with such ease that a passenger feels safe even on shooting gallery streets. In the Smith Hill section of Providence, Gross spies a boy called Trouble and brakes to say hello. Trouble is what most people smell when he approaches. They avert their eyes, willing themselves invisible and refusing to *truly see* Trouble. The sixteen-year-old agrees to visit the Institute for job corps training the next day. He had promised to go that afternoon, so his words may echo tomorrow, but the hello from Teny could sway Trouble. "Jobs are part of the solution, but they're a vehicle," Gross says. "Kids want that relationship with adults."

Gross has just left Rhode Island Hospital, where he watched a twenty-year-old stabbing victim being wheeled into the operating room. As the man flutters between life and death, retaliation is a threat. Gross learned the color of the victim's bandana, so he knows which crows to check on. At one stop, baby-faced boys play Dominoes at a card table in an apartment complex driveway. A cooler of Poland Spring and Heinekens ice at their feet, but most tug at the water. They belong to one of the city's most prominent Cambodian gangs. The eldest plans to move to Texas and get lost in the biggest state in the union because there's no shelter in the smallest. "To really retire from a gang, you have to move out of state," Gross says, "especially

in the Cambodian community, where friends and enemies are tightly knit." The boys are on the cusp of adulthood. The American Dream is on their horizon, but they suffer from what writer Katherine Boo terms a "poverty of the imagination"—the inability to envision a future truly different from the present."

The forty-year-old Gross is accompanied by Senator Juan Pichardo, the Democratic representative for district two, which spans the West End, Reservoir district and Elmwood, where Gross resides. "The eldest is lucky to be alive," Gross says as they climb back in the Contour. "A good chunk of his brain was blown away." Another boy, soft-spoken and sixteen, just dropped out of school. He grew up with six brothers but only three remain: one died in Thailand and two more were shot in Providence.

Gross wanted Pichardo to hear the boys' foggy dreams — to graduate high school, get a driver's license and a job — before judging them for their alleged crimes. Some of these sober, polite boys await trial; they are charged with being the trigger fingers in a few homicides. "Gang members are not freaks," Gross says. "These are not sophisticated Mafioso organizations — it's a bunch of kids fighting other kids." If the eldest chooses to exit the gang, the Institute street workers can negotiate that he be courted or walked out (allowed to leave without consequence), instead of being jumped out (beaten up by the group). In one such case, they could only help to minimize a boy's beating. This is the currency of nonviolence

work: bartering for one less broken rib, for bruises instead of blood.

Between mediating at the police station and the hospital, Gross is out until 3 a.m. He will wake four hours later for a meeting at the police department. Gross doesn't take vacations, sick days or weekends off; he remembers to eat lunch if he has a lunch meeting. His cell phone is an alarm clock bleating in the dark to summon him to another drive-by or another stabbing. As he glides to the emergency room, Gross may be listening to Miles Davis, but his own sound loop nags: *Why? Why did this happen? What could I have done to prevent it?* He is deeply forgiving of others but merciless on himself.

Gross had an ulcer by age nineteen. He was a soldier in the Israeli Army when the burning began, a soldier who became sergeant during three years of duty. Bombs and bullets rained like fireworks in his homeland, but Gross says there is more danger to dodge on Providence streets than in his native Israel. This city of 178,000 people suffered twenty-two homicides in 2005; six of those victims were eighteen years old or younger. During a fifty-four-hour span this past New Year's weekend, at least four people were stabbed and two were shot dead. "Ask any minority kid in Providence if they know someone who died, and they will say yes," Gross notes. "As a soldier and someone who grew up under constant war, I didn't know people who died. I should not be in the richest country in the world doing a job that is riskier than growing up in Israel. We blame the families and the victims and their behavior, but violence is a manmade crisis. It's the result of choices made by the state and by all of us. I understand there are people who made it out of the ghetto and became successful, but it's not a good



Terry Gross and Providence police officers at Kennedy Plaza. Below: Gross points out gang graffiti on Bucklin Street in Providence's Elmwood neighborhood.

yardstick. People made it out of Auschwitz, too." The ulcer is gone, but Gross still burns. Gross was hired in 2001, a year after the nonprofit was founded by the team ministry of St. Michael's Rectory in South Providence. Institute tenacles stretch from the halls of justice to halls of lockers. A power blazer hangs from a nail on his office wall at St. Michael's, but Gross favors T-shirts and jeans. Standing six-feet one-inch with a crown of salt and pepper curls, he is a striking presence whose speeches are poetry. Institute endeavors are too myriad to detail, but include finding jobs and Graduate Equivalency Degree classes for dropouts and placing students in after-school programs so their hands won't be idle and their minds will be opened. It also facilitates safety transfers, escorting students who avoid school because they are easy targets en route. Nonviolence is about teaching communication skills that prevent violence, Gross says. His staff educates the public and police about juvenile crime,



advocates for children in court, mediates family and gang feuds and trains students in conflict resolution by having them act out different scenarios.

If MS-13, a gang rumored to use knives or machetes instead of guns — supposedly to avoid federal time and because they like to see their victims up close and personal — has a beef with the Original Crib Gang, the Institute is on call. When Club Diesel shuts its doors at 2 a.m., youth workers idle outside, ready to defuse a Molotov cocktail of booze, brawn and bullets.

One of Gross's youth workers was shot at and a few others witnessed a murder. Risking their lives to prevent death is beyond reproach, but the Institute has its critics. For starters, Gross is a maverick who doesn't mince words. "I can be a bit brash," says the Israeli who had the chutzpah to meet with members of Hamas, the militant Palestinian party. If he was willing to risk his life going into Lebanon and Palestinian refugee camps as a soldier, Gross reasoned, he should be prepared to gamble it for peace. When a seventeen-year-old couldn't participate in job corps because he'd be a ghost if enemies knew his routine, Gross paid the boy to read books. "Teny is fearless and tenacious," says Jed Hresko, who supervised Gross's street work in Boston. "He stands up to people when

"The lack of empathy from these kids can be stunning, but if you breed ignorance, if you show people you don't care about them and you mix guns with that indifference, you will get brutal results."

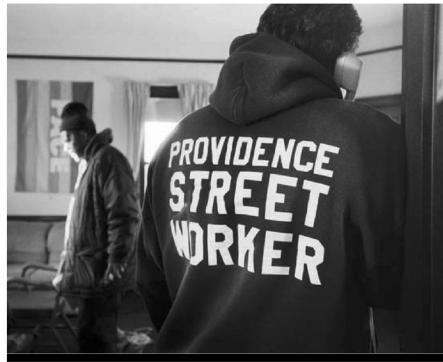
no one else will, and he gets away with it because he deals straight with adults just like he does with kids."

Police Captain Anthony Sauro, who supervises districts one through five in Providence, credits the Institute for changing district four (the West End and Federal Hill). "It was the most violent district, but a year and a half after the Institute's presence, violent crime was down 50 percent," Sauro notes. "Last fall we had a riot at Kennedy Plaza. The street workers weren't there, and police were trying to control about 400 kids. We made eight arrests that afternoon. It was East Side versus South Side kids, throwing bottles and bricks at each other, breaking car windows. All of a sudden George Lindsey [co-coordinator of the street worker program] drives up to the South Providence guys and says, 'What are you doing? Let's get out of here.' And they just turned around and followed him."

"There's no question that the Institute deserves credit for helping to reduce the violence in this city," says Providence Police Chief Dean Esserman. "I respond to every shooting and go to every hospital bed. I have never been there without running into Teny or one of his street workers." The partnership between the police department and the street workers is unusual, he says, so there have been "growing pains." Although they won't be quoted, some cops resent the Institute "getting in the way" at crime scenes or refusing to share confidences that would help to solve a crime (but jeopardize the Institute's credibility). Gross didn't hire social workers to reach kids — his five full-time and five part-time street workers are mostly ex-offenders and former gang members or leaders. "Not long ago, the police were arresting these guys," Gross says. "Now they're called the peacekeepers. The cops are like, 'Yeah, right.' But street workers are a daily reminder to all those in power that people who have done wrong in the past can be among the most useful members of our society."

"What we do has a different resonance than an outside advocacy group," he adds. "It allows the community to work on its own problems with its own people." The street worker approach is known as Yale and Jail. "It's important to have people who've been there, meaning in jail and in gangs," says Hresko, thirty-eight. "But it's also important to have intellectuals who can tie theory to practice. Teny is a white intellectual; he can't go into these neighborhoods like he's their buddy. His only choice is to tell these kids the truth. People are testing you because there's a long line of do-gooders who made promises they didn't deliver on."

Make an appointment with Gross or ask for his help, and his stock reply is





Teny Gross visits Dyna Kun, his wife Betty, and their baby, Tommac. Facing page: Gross at the Institute office; street worker Brother Ray Smith in background.

"yougotit." He uses the phrase so often, he slurs it, punctuated by a thumbs-up or a wink. "I was skeptical of Teny at first," says Pichardo, thirty-nine. "Every year, officials and community leaders would hold vigils but then not take action. The Teny wannabes gain people's trust and move on when their research is done. Teny has an open dialogue that allows him to build bridges, and his staff has gone through the struggles of the inner city. If you hire social workers, gangs are something they have read about in books."

Gross wants to be a safety net before kids seek support from a gang, which means reaching them before puberty since most are recruited by age twelve or thirteen. Providence is home to at least fifteen gangs. Most use acronyms, and some of the names — the Oriental Rascals, Providence Street Boyz, Tiny Rascal Gang — make them sound like loveable scamps. Gangs offer protection and a surrogate family for adolescents who are torn between American culture and that of their immigrant parents. The parents are in crisis as well. As Gross told the Providence

Phoenix, "After escaping genocide and refugee camps, Southeast Asian parents thought they were coming to the Promised Land, and now their kids are being killed on the streets."

On Halloween evening, Gross cruises a block near Providence College where toga-costumed students spill onto the streets. "These college kids live next to hard-core gang members, but there's been only one fight between them," he says. Gangs don't kill someone white — there's immunity. Black kids know they can kill black kids and Asian kids know they can kill Asian kids. There are a lot of subtle and unsavory messages in our society about whose life is worth something and whose isn't.

"The lack of empathy from these kids can be stunning," Gross continues, "but if you breed ignorance, if you constantly show people you don't care about them and you mix guns with that indifference, you will get brutal results. I see gang members as *our* kids. If someone is really doing bad things, I might see that person as ignorant

and misguided. I have to recognize that I'm successful today because people had the heart and the means to inspire and challenge me. Our president struggled for a long time, and with Daddy's money he succeeded. What would have happened to George W. without that? What would have happened to me if I grew up on the South side of Providence?"

"As a kid," says Sister Ann Keefe, one of the Institute founders, "Teny was no angel." His family called him the black sheep; his older sister was the golden girl, a commander in the Israeli Air Force.

"My parents worried about what would happen to me," Gross says. "I was a very lazy and argumentative teenager. I always had a righteous streak and a temper — once I slapped the Bible teacher in the face because he told me not to touch my lunch. Now my anger is channeled. People can grow and change — it's about finding your niche in life."

Like Holden Caulfield, the narrator of J.D. Salinger's *The Catcher in the Rye*, Gross is the guardian who wants to catch the children playing on a cliff and save them from

plummeting into the abyss. "We feel that every time a kid is killed, we failed them," says Sister Ann. "There is a personal feeling of failure on Teny's part when that happens." Gross rarely gets enough sleep to dream, but when he does, he dreams of one he couldn't catch. One who almost made it to the other side.

Gross moved to the States to study photography at Tufts University Museum School of Fine Arts. He pointed his lens at Boston's Ten Point Coalition, a group of ministers who instituted a tough love approach in directing kids to jobs, counseling and education. Reverend Eugene Rivers, the most charismatic of the original Ten Point ministers, introduced him to Sal Brown. Brown was a drug dealer with an AK-47 and a database of customers. He wanted out of the business, but not into a McJob. Brown educated Rivers about reaching a deal with the F.B.I.: Brown would be sent to a southern college instead of prison. "He really struggled with his conscience, with his loneliness in being a fish out of water," Gross says of Brown's collect calls in the belly of night. "The rewards are different in school; it's not about fear and power and an AK-47. It's about knowledge and things that look weak. I saw Sal as a tragic figure from classic literature. He felt a bit like Moses in that he could not cross to the Promised Land. I think Sal felt that even if he finished college, what was out there for him?"

Brown returned to Dorchester for summer break. He had stopped dealing but not consuming drugs. On a Thursday evening, he told Gross and Reverend Rivers that it was too late for him, they needed to save the children. The next night, Brown overdosed while speed-balling heroin and cocaine. "His death was an accident," Gross says. "Where the accident began is a matter of opinion. After Sal died," says Gross, casting his gaze to the window, "I felt I couldn't leave street work. I'd be a wimp if I did."

Gross photographs in black and white and struggles with accepting shades of gray. "Teny is extremely bright," says Sister Ann, fifty-three. "His conversations take grass-roots street experience and translate that to democracy, yet he has this wide-eyed innocence about how political pressures affect policy change." Boston colleagues called him Don Quixote. Gross has always pushed at windmills, imagining them to be giants. But even he is not immune to the burnout that is an occupational hazard. In the late nineties, when his compassion ebbed and Gross began seeing teens as *them* instead of

our kids, he took a sabbatical to study ethics at Harvard Divinity School.

Philosophers have said that a bystander's silence is more damaging than an aggressor's cruelty. "Not being a bystander will resolve a lot of conflicts," Gross agrees. He is haunted by the Holocaust. Partisans killed his grandfather, a Christian Serb and city mayor, as World War II ended. "One of the war photos that filled me with so much outrage was the naked mother in front of the ditch, being separated from her baby," Gross murmurs. "I ask myself, 'How can such a civilized society, one that produced such artistic beauty, murder so brutally?' It's a lesson that we have to be vigilante about preserving democracy...and that we are all potentially murderous. I believe that if you neglect something, it's gonna come back to haunt you."

"Sometimes I feel I'm speaking like a prophet because so many people don't see [the violence] as a fatal illness," he adds. "But like they say, you're never a prophet in your own city." Gross calls himself a realist whose advocacy is rooted in economics, not charity. To lock a juvenile up in the Training School costs taxpayers an average of \$98,000 per year. To house an inmate at the Adult Correctional Institutions is \$41,000 annually. And don't get Gross started on how many prisoners are repeat guests. "With that money," he says, "I could take a kid, pay his tuition at Harvard, buy him a Lexus and a laptop, and give him a good amount of drinking money for four years of the best education." Gross is flummoxed. "How can the richest nation in the world have a homicide rate of 16,000 victims a year, a statistic second to Northern Ireland, where civil war rages?"

His wife, Julia Clinker, a documentary photographer and daughter of the Warwick-based activist minister Duane Clinker, calls her husband "the reluctant warrior." "People think I love the intensity of this job, but really I'm a secluded, very peaceful person," Gross insists. "I'm forced to be intense because I cannot be innocent about what I see and what I know." As committed as he is to social justice, Gross yearns to live in a monastery and bury himself in the classics. "And I'd love to study art history in Rome. You can have those two conflicting desires."

Parenting the streets means time away from his own kids, John, four, and Julian, eighteen months. "The cost is family," Gross says. "I try to come to dinner and bedtimes, but I often have to think, 'Do I put my kids to bed or do I do that extra thing?' I do that extra thing because I think it's necessary." On Christmas night and into the next morning—his birthday—Gross was on the streets until 2 a.m. after shots were

fired by revelers.

"I don't know if Teny could ever stop doing this work," says Clinker, thirty-seven. "It's who he is, not a profession he chose. He talks about studying art in Italy, but I think that even in Rome, Teny would gravitate to the 'hood. This is Teny's calling. His mission is to the world, not just to the three people around him. If a family on Prairie Avenue needs his help, it's as important to be there for them as it is to be here for dinner. As difficult as his absences can be on the family, his work is something I can respect, and we're all very proud of it. Our children now have a broader scope of the world. Our four-year-old ponders who Martin Luther King was and thinks it's his dad's job to teach people that guns are not OK, that they have to use their words."

Gross is an artist who sees his subject's future while most of us see only a shadow, the silhouette of a killer, rapist, felon, junkie, robber, ex-con, gangster. He views the world through their lens. The gangster was a child with a heroin-addicted mother and a mercurial father. In one frame, a teenager tries to do the right thing. With the shutter's next wink, he does wrong. Last summer, Jamont Richardson, a fourteen-year-old Smith Hill resident, was shot dead after his friend failed to pay for a \$10 hair-braiding session. The hairdresser had asked her cousins to fetch her money, and a fight ensued. The day before, the fourteen-year-old who allegedly shot Richardson had visited the Institute. He asked to be part of its summer job program, but there were no more jobs. There was no money to hire additional kids.

Gross is always hustling for dollars and can't understand why youth — our future — is such a low priority. According to the 2004 census data, Providence ties with New Orleans as the third-poorest city in the nation for children. Gross promised to do whatever he could for the boy. Their encounter was a page from one of his lectures: instead of focusing on violence, Gross says, we need to focus on opportunities for kids. If he can't bring gang members jobs and keep them in schools, there will be violence. "I saw the X-ray of Jamont's head," Gross says. "I saw the bullet lodged in his brain. That's something you don't forget."

A photographer floats the negative into a chemical sea. The first bath is developer, then stop, then fixer. But a potential picture is just that. If the darkroom door opens and light floods an image before it's fixed, the promise of beauty is destroyed. ■

Mr. SCOTT. I want to thank all of our witnesses for their tremendous testimony.

I recognize myself for the first round of questioning.

Mr. Elliott, you mentioned the need for research. Where is the research done? Mr. Gross mentioned where some of it could be done. Would it be colleges, the National Institutes for Science? Where should we be looking for research?

Mr. ELLIOTT. In the area of violence reduction, of course, I think that research ought to be in the Justice Department and the Department of Education is doing some of that. But I think the primary location would be in the Department of Justice. And, you know, a lot of the work currently going on is in the Department of Justice.

The National Science Foundation, I think, could also be funding general youth development kind of programs, like Dr. Butts talked about, but when we are talking about violence and crime reduction, I think that research ought to be in the Justice Department.

Mr. SCOTT. And you mentioned several things that didn't work. Your testimony specifically mentions waivers to adult court. What is the research on that?

Mr. ELLIOTT. The research on that suggest that the waivers to the adult court increase the risk of victimization for those adolescents who have been put into the adult criminal system as compared to the juvenile system.

There is a greater risk of reoffending when they get out and there is also some evidence for discriminatory processing with respect to which kids get waived and transferred and which kids don't, when that is left up to the prosecuting attorneys.

Mr. SCOTT. Is that statement based on control groups? Because you would expect the more serious offenders to be waived to adult court, so you might be talking about apples and oranges. Or are you talking about the modest-risk people, if they are treated in adult court, they are more likely to offend?

Mr. ELLIOTT. The studies have, in fact, controls for that issue. They are not randomized control trials, which would be the best evidence, but they are quasi-experimental trials in which they have matched the control group with the experimental group with respect to the seriousness of the offense.

Mr. SCOTT. Thank you.

Dr. Butts, you indicated that you need to—let me ask it another way. In terms of what you do to the juveniles that are here today, whatever you do to them, what does that do for the next cohort of juveniles in terms of what they may be doing or what trajectory they are on.

Mr. BUTTS. I think you heard some of the other speakers refer to the changing of culture at the neighborhood level, certainly at the family level. Everyone you are exposed to as you are coming up as a young person influences you, and to the extent we can surround young people with positive pro-social adults who see a role for families who have jobs, who have faith in their own futures, youth will pick up on that attitude and start to adopt it themselves.

So stopping, you know, you have referred to the phrase before as closing down the pipeline, reducing the number of people that a

young person is exposed to who advocate and enjoy a criminal life style is critical for making those cultural changes.

Mr. SCOTT. And if you don't change the trajectory, does it matter for the next cohort what you have done to the last cohort?

Mr. BUTTS. The trajectory of an individual?

Mr. SCOTT. If young people are headed toward prison rather than college, if you don't do anything about that trajectory, what can we reasonably expect the next cohort to end up?

Mr. BUTTS. Well, some people refer to the "little brother effect" to explain the declining crime during the late 1990's. And that, simply put, is when you are 12 years old and you see your 18-year-old brother shot and killed, go off to prison, and a lot of your brother's friends are doing the same thing, it changes you as a 12-year-old. And some people theorize that and the many other factors, including the decline in crack use, contributed to the overall decline.

So the whole pipeline effect, you know, stopping things early and reaching kids when they are young is of the utmost importance.

Mr. SCOTT. And what kinds of things actually make a difference in that trajectory?

Mr. BUTTS. What I was suggesting in my statement was that we pay attention to common sense. None of us here are threatening each other with bodily harm right now. And that is not because we were surrounded by a team of psychiatrists when we were 13 years old. It is because we learned to play by the rules, we learned to enjoy the benefits of living in society and to respect one another.

Those are pretty simple lessons and you don't need skilled therapeutic professionals to do that. We rely upon skilled therapeutic professionals because that is our funding mechanism and that is how we can create systems of intervention.

It is much harder to create neighborhood-based, volunteer-based pro-social activities and groups for young people. But if we were going to focus on common sense and create service networks that make sense, I think that is what we would do. It takes a long time and you need good community-based workers, like some of the young men sitting behind us.

Mr. SCOTT. Thank you.

Mr. Sherman, you indicated your entire research identified a group at high risk of offending. With those in supervision, are there things we could do while they are on supervision to reduce the risk that they will offend?

Mr. SHERMAN. Mr. Chairman, there is a wide range of things we can do. What we haven't done is to test the matching of certain response to people with certain kinds of diagnoses.

We do have some ideas, like across the board provide frequent checks to make sure that these people at very high risk, and I should say with the new models we can identify that people who are 42 times more likely to be accurately forecast to commit a murder or attempt a murder than the average person on probation.

So by focusing on a very tiny portion of that group, we could then say even within that portion does everybody need to be monitored, whether they are carrying guns, and that is currently one of the strategies that is being used but hasn't been evaluated carefully. For those who have post-traumatic stress disorder because they

have seen their brother shot or they have seen their parents fighting in very violent ways.

Does treatment of post-traumatic stress disorder reduce their likelihood of killing somebody? For people who are chronically depressed, does treatment for depression reduce their post-traumatic stress disorder?

Again, these are not things that you I think should be doing across the board in either the juvenile or the adult system, but where for the tiny fraction who based on their prior record or at very high risk, we could be said to be under serving them in terms of their mental health needs.

And not every city has a gang problem. Philadelphia really doesn't have the evidence of the kind of thing that we are hearing about in Providence or Boston. So, indeed, we may be able to help these folks get their lives together, get into the high school completion. Some are in community college right now. Give them some parent training. You know, there are fathers out there, as well as mothers, who are raising kids, and we have got some of them in this program.

And if in every way, the probation officer, possibly even on a one-on-one basis, can help to turn their lives around, that could save an enormous amount of money if not in terms of gunshot wounds at over \$100,000 per injury, then in terms of \$35,000 a year in prison for possibly 40 years.

We don't know exactly what to do, but I think the progress we have made now that would support creation of Federal grant program is that we have a much better idea where to focus these efforts.

Mr. FORBES. Thank you, Mr. Chairman.

First of all, again, I want to thank all of you for being here and thank you for what you are doing, and with the possible caveat that Mr. Elliott may tell us that one of your programs is harmful, we just appreciate all of them that you are doing.

I want to just say a couple of things at the beginning, because we hear a lot of buzz phrases and buzz words, and let us just make clear for the record that nobody here thinks you can arrest or incarcerate your way out of the gang problem. I have heard that language. Nobody seriously believes that. Nobody thinks that abusive or illegal law enforcement activities work well. None of us think that.

Nobody thinks we should not have a comprehensive program to address the gang problem, which includes law enforcement tools and prevention programs. Nobody thinks the Federal Government can pass a single act that will deal with all the components of gang crime, nor should we. That is not what we are about.

Our goal is trying to strike a balance between what the Federal Government can and should do, what the State government can and should do, what communities can and should do and what the private sector can and should do.

Just to give you a couple of examples, one of the most popular gang leaders that I read about in the 1970's was a guy named Nicky Cruz, who was a gang leader at 19. Teen Challenge converted him to a faith program. Nicky has spoken now to 40 million people about self-improvement around the world. I mean, that was

a winner. The Federal Government, Mr. Chairman would say, we shouldn't get involved in helping those kinds of programs.

Just this past week, I was at a community center that combined a library-rec center to help prevent gangs and juvenile crime. Wonderful program.

So we think those programs are great. What we are trying to do is say what should the Federal Government be doing and how should we be doing it.

Now, Mr. Elliott, I looked at your testimony and one of the things that I looked at was the bio that you gave to us, and one of the things the Chairman and the Chairman of the Committee has encouraged us to do is oversight. And as I was looking at the studies and the grants that you just listed down here, and I am sure there are a lot more, that you were the principal investigator of, they totaled over \$38,526,000 in grant programs just to programs that you listed that you were principal investigator. That is a lot of money to research and evaluate programs.

And after doing that, the conclusion that I read in your written testimony, I just want to read it back to you, that you identified over 600 programs that claim to prevent or deter violence, drug use or delinquent behavior and less than 20 have any rigorous evaluation.

Was that your statement?

Mr. ELLIOTT. Twenty percent.

Mr. FORBES. I am sorry, 20 percent.

The other testimony that you had in your written statement was the fact remains that most of the resources currently committed to the prevention and control of youth violence, drug use and delinquency at both national and local levels has been invested in unproven programs based on questionable assumptions and delivered with little consistency or quality control.

Fair statement?

Mr. ELLIOTT. Correct.

Mr. FORBES. And then the other thing that you indicated was that this was a complex behavior problem, when we are looking at gangs, that includes these things: family, neighborhood, peer group and the media is what you listed.

Were they accurate components, according to your testimony?

Mr. ELLIOTT. yes.

Mr. FORBES. And then you also said any positive changes in the individual's behavior achieved in the treatment setting are quickly lost when the youth returns home to his/her family, neighborhood and old friends.

So basically we are looking at a situation where all of those components are influential in what happens with any particular program that we have, how strong the family unit is, what the neighborhood looks like, what the peer groups are, how the media responds.

Fair statement?

Mr. ELLIOTT. Each of those contexts does contribute to the incident or the likelihood of violence.

Mr. FORBES. But we have to look at each of those components when we are trying to measure gang activity, correct?

Mr. ELLIOTT. Correct.

Mr. FORBES. The other thing is, we have had testimony before our Committee, and forgive me for being quick, I only have 5 minutes. We have had testimony before our Committee that the number-one gang problem in the United States today, according to the Attorney General, was MS-13. That is his testimony, whether we agree with it or disagree with it.

And then we have had further testimony that between 60 and 85 percent of the members of many of the MS-13 groups are here illegally.

Can you tell me, from that \$38 million of evaluation on the programs that you have had in your examination of these prevention programs, what prevention programs have you found that effectively works to stop gang activity from those individuals who are here illegally on the worst gang that we have in the country today?

Mr. ELLIOTT. I am not sure I can address that specific gang and those specific situations, but we have two programs, for example, that we know are very effective in working with deep-end offenders, and that is multisystemic family therapy and——

Mr. FORBES. Are they for illegal——

Mr. ELLIOTT. They would work for illegals.

There are a number of programs which have been validated to work with various ethnic populations. Some programs, unfortunately, have been validated only with respect to the majority population, so you have to be careful when you look at the program to see, but those are two programs, for example, that have demonstrated the effectiveness of working with different racial and ethnic groups and have been effective in working with kids like the kids that are in gangs in general. I can't speak specifically to the MS-13 group.

Mr. FORBES. My time is up, but that is one of the dilemmas with have with having so many people on the panel, we can't get to everybody to ask all the questions we want to ask. Hopefully we will have several rounds to do so.

The only thing I would follow up with you, if you can submit to us at some point in time, in writing, from your evaluations, specifically the programs that you have found to be effective in working with the illegal group of people that are here, on groups like MS-13 and some of the other groups that seem to be so prevalent.

Mr. SCOTT. Thank you.

We have been joined by the gentlelady from California, Ms. Waters.

Do you have questions?

Ms. WATERS. Thank you very much, Mr. Chairman. I apologize. I am in Financial Services and I was not able to be here earlier.

I must also admit I have not had an opportunity to read all of the testimony that has been presented here this morning, but I wanted to come over for several reasons.

One is, as you know, I urged and encouraged that we focus some attention on the gang problem in America and shared with you the seriousness of the gang problem in the Greater Los Angeles area. I have not read all of the testimony. I do know about one of the programs that simply talks about law enforcement, community leaders, et cetera, coming together and addressing gang members

and somehow either convincing them or threatening them, maybe both, and it having some great impact.

I have a lot of experience working with gangs. I started many years ago in some of the largest public housing projects in the Greater Los Angeles area: the Nickerson Gardens Housing Projects and the Imperial Courts, Jordan Downs, the Pueblos, Gonzales Housing Projects. These are areas where we had Crips and Bloods, Grape Street, all of the notorious gangs of the South Central Los Angeles area.

And I think I have learned a few things. I have learned that you cannot simply deal with the problems of gangs with police enforcement and just simply getting tough and locking up people. It does not work. It creates a lot more resentment because oftentimes the police don't know a gang member from Ms. Johnson's son, who is not a gang member, who is in school every day, and happens to be at the laundromat and ill-informed and ill-trained police officers just see all Black youth in the same light and they not only apprehend and arrest but create a lot of confrontation and friction and other kinds of things.

Now our communities have marched, they have prayed, they have got ministries involved, but I have found, through a program that I started with discretionary money that came from the Federal Government to the State when I was in the State legislature, I created a program for public housing projects.

It was a program that I simply sat at my kitchen table and wrote. And we took this discretionary money, went into the public housing projects and we put flyers out, we walked the neighborhoods, and we convinced the public housing authority to give us space where we opened offices and we used their gymnasiums for the programs that I ran for almost 10 years.

We took this money, we took this free space, we walked the neighborhood and we convinced city government, who was running the Private Industry Councils at that time, if any of you remember, the so-called job training programs, the Private Industry Councils, that did not touch inside these public housing projects. Many cities do not afford the services to some of the poorest areas and certainly to public housing projects that they should be affording. They act as if they are not in their city.

And so the job training programs never reached, and so I started these programs because young people, mostly young Black males at that time, were just hanging every day in public housing projects. They didn't really live there—they did live there. They were not on the rolls because of the policies of Federal Government. They lived with girlfriends and grandmothers and wherever they could because they didn't have jobs and they didn't have homes.

And so the Government, we all pretend that they don't live there. We recruited them in the gymnasiums, and I had a program where, the way I structured it, we met about 4 days, and in those 4 days I insisted on using some of the money to pay a stipend for those who attended the programs. I had food. I had food when they came in in the morning and I had something for lunch. And we had very simple programs where we started out by talking about do you really want to work? What do you want to do with your life?

We found out a lot about folks. We found out that, surprisingly, most of the people in the program those days had graduated from high school in that area. We also found out that most of them were involved in drugs in some way.

I started right at the height of the crack cocaine explosion in South Central Los Angeles, where everybody was trying to make a buck with small amounts of crack cocaine, et cetera. I discovered that the 1st day that I had this program, we had standing room only. It dispelled the notion that these poor people, these gang members, did not want jobs. They did not want to work. We also did all of the regular stuff of 4 days of learning how to fill out a job application, role playing.

But the most important thing was the talking and getting to know people and people getting to trust you and beginning to share with you. People would come up to me afterwards and say, "Ms. Waters, I want to but I can't read." I mean, that is not something that they were able to really talk about. Some had dropped out of school or had been just pushed on through despite the fact they couldn't read. And for all intents and purposes, their lives were kind of over.

Others were the children of crack-addicted mothers and there was no safety net. Others had fathers and mothers who were in prison. Others had simply no connections and they were living in vacant buildings at times with gangs. So out of all of that, what we did was we said to the City of Los Angeles and the Private Industry Council, you have got to get your people here. We have got to have the job developers. They have got to get not only into real training programs once they come out of what I am doing, but we have got to have job developers who really develop jobs.

And everybody who came into the public housing projects after that, whether it was the Housing Authority itself attempting to do rehabilitation or the telephone companies laying cable, we made them employ the people who lived in those public housing projects or they couldn't work there. They just couldn't do it. We were sick and tired of people coming in, earning the money, taking it and going on across town somewhere into another county while people standing there unemployed had nothing to do.

Jobs will do a hell of a lot to reduce crime and violence. Out of those years, we have homeowners, we have people that got connected because we created the Maxine Waters Employment Preparation Center under the unified school district to make sure there were alternatives.

And so I just came here to say this, and I know you want me to wrap up, Mr. Chairman. I have a real appreciation for academicians and the research you may have done and what you understand about gangs. But I want you to know, until you have been on the ground with Crips and Bloods, Rolling 40's, 50's and 60's, and gotten to know these kids and these young people and the anger and the disappointment and the lack of trust that they have basically in our society and in adults who have let them down time and time again, the only power they have is the power of the gun and the power to threaten and the power to control some territory that you may not think is worth anything, but to them that is their power, to say that you can't come here, you can't do this.

This is a complicated problem that requires money, it requires sustained training and development. There should be no poor communities in housing projects that do not have social services, do not have job training programs. There should be no programs that do not have stipends. Don't ask poor people and gang members to sit in training programs every day hungry. I made sure they had money for food, to get their clothes clean, to get grandmamma to watch the baby, whatever, so that they could listen and try to be a part of it.

I have found most people, whether they are gang members or just dropouts or poor people, really aspire to everything else all Americans aspire to. Everything that we see on that television. They want homes, they want cars, they want to be able to go to concerts. They want that. So I don't talk to people about just being good, just saying no. I try to empower people with real assets, with real stuff to be able to live with.

If you do that, and people see that they can get some money and they can pay the rent, they can buy some houses, we can go a long way toward breaking up gangs, breaking up concentrations of gangs in communities.

I just had to have my say and I thank you for the time, Mr. Chairman. And I will spend a little time before I go back to financial services, because I want a rebuttal.

Mr. SCOTT. Thank you, Ms. Waters.

We will ask the witnesses to respond as part of your other responses, but thank you. You went a little over.

The gentleman from Ohio?

Mr. CHABOT. Thank the gentleman, and I want to thank him for holding this hearing. I think it is a very important and timely hearing.

Before I get into my questions, I wanted to mention our colleague, Mr. Coble, who was here earlier, had to leave because he went to Georgia for the funeral service of one of our colleagues, Charlie Norwood, who passed away, and that may be why there aren't more Members here today.

He also wanted to let you know, Mr. Kennedy, that his assistant chief of police back in High Point, North Carolina, sent his thank you for the work that you have been doing in their community. And I also want to thank you for agreeing to work with the city of Cincinnati in its efforts to decrease youth violence. I was honored to serve on the Cincinnati City Council for 5 years, this is quite a few years ago, and live in the city and as a citizen have a lot of concerns about the level of violence in our community.

Last year, we, for example, suffered the highest homicide rate that we have had in our city's history, which is obviously most unfortunate, and many of those were related to gangs and to violence relative to drug transactions and most of them were in the city. So we appreciate your input and hope that you are successful.

We had a chance to talk shortly before this hearing and I was encouraged to hear how certain you were that you will be successful here, assuming that you get the cooperation of the community and their involvement.

And I would start out by mentioning, you had an article that appeared by the National Institute of Justice, titled "Pulling Levers,"

and you advocated the strategy. Could you describe what that strategy is, what it encompasses, and how that would apply in Cincinnati?

Mr. KENNEDY. Thanks. Sure. I had to make it really complicated to get it into NIJ. It is actually pretty simple.

And to not rebut but endorse what Congresswoman Waters said, you are exactly right, and this is what Teny has been saying, it is what Mai has been saying. It is what the chief and the D.A., we are all saying the same thing here.

I learned what I know about this from Teny, from gang officers, from community people. The literature helps, but that is where I have gotten everything most important in my career.

The version that NIJ wouldn't publish is the version that, my mother goes to cocktail parties and says that I learned all of this from here, and she is fundamentally correct. We bureaucratize this, we abstract it, we put it in fancy language, but any good parent sticks with their kid, establishes rules, helps them learn, punishes them appropriately when they need punishment, but doesn't go away at that point. They don't turn them over to somebody else.

If we did families the way we do crime, we would have one parent responsible for love and support, one for rules and discipline. We would have to find a third parent for spiritual guidance. And the parents would be forbidden by statute from speaking to each other. This is ridiculous.

So all "pulling levers" is, and I don't even like that term anymore, but all it is is a way of engaging consistently with the groups of the kind of really extreme offenders that Larry has been describing, and he is absolutely right about what is going on out there, and saying to them consistently over time there are things that we won't put up with. Here is exactly what is going to happen if you do these things. People you respect want you to stop this and want to help you if you will let them help you.

And the piece that we don't think about very much, the, say, you know, moral voice, this is wrong and you know it is wrong, and it turns out that even the most hardened offenders, or most of them, really care a lot when their grandmother looks at them and says, "You are really disappointing me."

I am a deterrence theorist, and deterrence theory tells me that if I am more afraid of my grandmother than I am of the police, let us organize the grandmothers. And that is in fact what is going on out there. It is really very simple.

Mr. CHABOT. Thank you very much.

Mr. Sherman and Mr. Logli, if I could ask you the question, for those that have shown by their behavior to be particularly violent and some that are predators on the community, could you talk about the important aspects of law enforcement in dealing with those individuals and what we ought to do as a society and as a Government?

Mr. SHERMAN. I would start with making sure that they are not in possession of or carrying guns. That nexus is very clear. There is a lot of controversy about how to deal with that problem at large in the community. I believe once people have been convicted and put under conditions of community supervision, the opportunity exists for a judge to reinforce the existing law that says as convicted

felons they—or even as adjudicated delinquents—that they would not have any right to legal possession of guns.

The problem is doing that in a way that is respectful, that doesn't provoke the resentment and further anger that Congresswoman Waters has quite rightly drawn our attention to, and one of the things we are working on right now in the probation-police partnership in Philadelphia is trying to make the home visits, both scheduled and unscheduled, as dignified and supportive of an experience for the offender on community supervision, as possible.

So that even though there are two plainclothes officers in an unmarked car who drive the probation officer to the house, what the probation officer does primarily while looking around the house, in addition to other things, is to talk with the family, to talk with grandmother or to talk with whoever is there, about the hopes and aspirations, the education plans, the occupational goals that the probationer has, so that the attempt to monitor and regulate the critical issue of gun possession is tied to an expression of concern for and respect for the young offender and his home and the people in the home—and by young, again, I mean under age 25—so that we don't make the anger at police from a disrespecting kind of contact in order to preserve their non-gun carrying part of a larger set of causes of what makes them violent.

I think we can do that, and I think that if we are able to pursue not only the gun issue but also issues of compliance with programs that—because Philadelphia probation officers have 180 cases per officer, so if an offender doesn't show up for drug treatment or doesn't go to alcohol treatment or even therapy programs or education programs as required or as agreed to, nothing happens. There is no consequence.

So to lower that caseload, especially with these high-risk people, and the astonishing fact that in Philadelphia we have only one-fourth as many probation officers per murder as in the rest of Pennsylvania. We would need four times as many probation officers just to come up to that ratio in the rest of the State. Which is why, you know, in the short run, something like a Federal grants program to support this sort of high-risk community supervision would be extremely helpful and have, I think, an immediate possibility of reducing the homicide rate in the nation.

Mr. LOGLI. Thank you.

If I understand the question, Congressman, it is what do we do with those people that have already started to offend. And, of course, as a local district attorney, many times our first contact with somebody is they show up on our arrest sheet.

District attorneys have been described as holding a quasi-judicial office, and I take that terminology seriously. Every morning in my office we go through a veritable triage of screening cases and making charging decisions, and somehow we have to make wise choices. We have got to at some point look at an individual and say this person is still worth working with. This person can still, with the proper support, turn his or her life around.

Then we get to the other extreme. This person, but virtue of what we have seen and their actions in the community, this person is beyond that point, and our job now is to simply prosecute that person effectively and put that person away as long as we can.

There are hundreds of gradations in between those two extremes. What helps us make those decisions is if we have available to us programs, many of which have been described this morning, that give us alternatives, that shows us that if this person can be put into that anti-truancy program, if we can work with that family to get that person to go to school and to learn how to read and write and how to develop job skills so that they can get a job, the most important thing for many of these people is to have a job, so they can support a family and make their mortgage payments.

But if we don't have programs that bring them there, then my job is tougher. I don't need any more laws. I have got all the criminal laws I need in the State of Illinois. I don't need any more sanctions. The sentences are plenty tough. I have got all the discretion I need.

What I need is what Teny talked about, and that is programs on the street that have staying power and that have credibility and that will work with people, that I can refer people to. Because what I do have is the hammer. I have the coercion that might just make that person stick to a program, whether you call it pulling levers or anything else. We make that decision, whether they are worth working with or it is just time to warehouse them. And that is a real loss to society.

Mr. SCOTT. Thank you.

The gentleman from California?

Mr. LUNGREN. Thank you very much, Mr. Chairman.

This is a difficult hearing, because we have eight or nine witnesses and all of them have excellent qualifications and all of them have something to say.

Mr. SCOTT. Will the gentleman yield?

Mr. LUNGREN. Yes.

Mr. SCOTT. We expect to have more rounds of questions—

Mr. LUNGREN. I understand that, but it makes it difficult for those of us who are in several Committees to come here and at least ask questions.

Just a suggestion, it is just, they all have excellent ideas and perspectives and it would be good if we would have a chance to concentrate on several of them rather than all of them.

I am not into rebuttals, but I am a little concerned that the only reference made to the Los Angeles Police Department was a negative one, about officers exacerbating the situations.

Maybe I take it personally because my brother used to be an L.A. police officer and I recall him responding to a call for drug dealers in Nickerson Gardens, and I recall that it was a drug dealer who had vowed to kill a cop. And I recall that he had my brother directly in his sights and my brother would have been a victim had not another officer come upon the scene and caused the person to leave.

I think we have to understand that while there are bad cops in bad situations, my judgment is most of them want to help the people and the communities that they serve.

When I was attorney general of California, I changed the name of the program we had from the Crime Prevention Center to the Violence and Crime Prevention Center, because oftentimes if you wait until it is a crime, it is too late. And I really wanted to treat

violence as well, because we needed to have programs of education before you got to intervention, and then intervention and deterrence and punishment. I mean, it is a continuum, it seems to me. I hope that no one disagrees with that.

One of the toughest things I had when I put together a juvenile violence task force is to get everybody to talk together. I had a group that was about four times this size representing all the disciplines, and the first time they came in the room it was kind of interesting. It was kind of like dogs circling one another and not sure what they ought to do because everyone thought if that person gets money, we are not going to get money. And yet at the end of about a year process, they found common ground, as I think we have here.

I will never forget going to a program and one of the high schools in Los Angeles had been the site of a shooting and talking about the Safe Schools Program that we had developed and urged onto other schools, and after it was all over a young girl, about 14 or 15, came up to me. She happened to be African-American. She said, "Why did it take the death of one of my classmates for you adults to take this seriously?" And her emphasis was, why don't you do that which is necessary to provide a safe school environment for me?

And so that is why I take the comments of the representative of the prosecutors here very seriously. We all, I think, want to do things that are in that continuum, but that doesn't mean that we don't understand that you have to have a sense of order backed up by a sense of enforcement backed up by a prospect of punishment if all else doesn't work.

I rarely found a victim in a crime say to the responding officer or paramedic, "What was the socioeconomic background of the person who just beat me up?" Basically, "Please take care of my wounds. Please catch that person and make sure he or she doesn't do it to somebody else."

So I guess my question to the representative of the district attorneys is this: There has been at least some reference of a critical nature to trying juveniles as adults. I view that as an unfortunate but necessary part of the overall system. And I wonder if you could give us the thoughts from your perspective on how you make that decision, what it gives you in the way of alternatives, and whether or not you believe it is effective in certain circumstances.

Mr. LOGLI. I do believe it is one of the more difficult decisions I have to make. And although I have 47 assistant States attorneys, any decision to transfer a young person into the adult system is made only with my knowledge and ascent. That is how serious I believe it is.

Some of that discretion has been taken away from us with recent legislative changes in my State and many other States, and that is if you charge somebody who happens to be 14 or 15 years old with murder, that is an automatic transfer. If you charge somebody with a sexual assault, a violent sexual assault at a certain age, that is an automatic transfer. There may be no discretion there.

There are still some discretionary transfers. Now I can still short circuit that State law because I can charge something less than murder. I can charge a lower-level sexual assault, perhaps. You

know, I am not in the business of writing fiction. You have got to charge what the conduct really is.

But in those cases where we have the discretion, yes, it is based on prior record, it is based on threat to the community. Many times, it is based on the fact that there are no programs in the juvenile system that is really going to have a credible impact on that young person, and we really have no choice when we are looking at preventing future victimization. And if we don't have anything in the community that can really address that young person's problems and specifically, I am talking about sometimes the 15-or 16-year-old sexual assault of them. Now I know we are here talking about gangs, but I mean, that is one of the situations where there are very few alternatives to just try to protect the community.

When it comes to gang involvement, I think we have a few more alternatives. But, again, I mean, I don't go out of my way to transfer aggravated batteries or the lower-level felonies into adult court. I think that we can deal with that in juvenile court. When it comes to gang affiliation and gang-related criminal activity, there having effective programs that can deal with that would certainly prevent some of that transferring. But in certain cases where there is murder, there is a serious sexual assault that may be somehow gang related, you know, I think it is probably in many of those cases a tough decision whether we have to move them up.

Mr. SCOTT. Thank you.

We are going to have another round of questions.

I will now defer to the gentlelady from California.

Ms. WATERS. Thank you very much.

I just want to take the first minute to say to my colleague from California that we are all sensible adults, elected by the people because we have demonstrated some quality that our people support. Nobody suggests that all cops, all police are bad police. I qualified my remarks somewhat about ill-trained, insensitive, and there are those too.

So we understand that there are good cops and there are bad cops. And I have to put that on the record because oftentimes these statements are made in ways that would have listeners believe that somehow there are only a few people who care about the good cops and others who do not.

I do know over my years of experience, and if you read the papers and you know anything about Los Angeles, we have a history of the tension between the police and the community, and that is not fictional. That is real, whatever the reasons are for that.

I understand there was some discussion about the truce work. I know that we have programs in Los Angeles and we have some people who have been involved for quite sometime in doing truce work, and a lot of our young ex-gang members, the O.G.s, are advocates for funding for truce work.

I am not so sure that there is any permanency to it, that sometimes you can put out a potential confrontation, but there appears to linger the possibilities of confrontation because when there are, you know, various gangs in these communities, you have friends, relatives who have been killed, and the revenge motive does not go away easily.

Who can tell me about your successful truce work that is sustainable that has made a difference?

Mr. GROSS. I think that you are very right. When there is a homicide, it is a lot harder to come back than a simple shooting, all right, and anger resides for a long time.

I think first, before you bring sides together, you just try to get a ceasefire, all right. Can we just calm down? Can we work?

We support the victims' families. Mothers are a great asset, a moral voice. I will never forget, in 2001, I was stunned. I run a nonviolence institute. A mother who lost her son, about 20 minutes later on TV says absolutely no revenge in my name. We are still working together. Obviously a moral voice has a lot of clout. Her side has not retaliated. It is now 2007.

We take very seriously funerals. We go to funerals. We just had the funeral of Young Blood. Everyone was in red. We support them. We help them get some funds. We help with the family. We got them a refund from the funeral home. We coddle them, yes, we do, so there is sympathy and help.

We help one of the O.G.s say on the side to one of our Cambodian street workers, "Can you get me some mental health?" He wouldn't say it in front of his crew.

So there is a surge there and there is an understanding and you reason that, do we need another life lost. We use the parent. Look what they are going through. Does the other side, who is also Cambodian, need to go through that?

Ms. WATERS. Okay.

Mr. GROSS. Another thing, real quick, if I can say it?

Ms. WATERS. Yes.

Mr. GROSS. Following Monday, we went to see one of the main shooters of this gang, twice convicted of gun charges, in jail. Had a conversation then. He reached out to that. He is seeing now differently.

So you pull any lever you have. We don't mind walking on the carpet on our knees as long as we can create the conditions to calm this thing down.

Ms. WATERS. Does anyone else have a model for truce work that is sustainable, that works, that has caused the cessation of warfare over any sustained period of time?

Yes, Mr. Kennedy?

Mr. KENNEDY. There are examples of truces like that, so here in the District the Alliance of Concerned Men has truces that I think are over 10 years old now, and they work as Teny works.

There is no model for that. There are examples, but there are no examples of ways to consistently do that when one or both parties aren't willing, and I think that is the state of the art.

Ms. WATERS. May I ask also if any of you, with the connections or the work that you do, calls a meeting of shot callers from gangs, would the police allow you all to meet?

Let me hear from Mai Fernandez.

Ms. FERNANDEZ. Yes, we work in very close collaboration with the police department here in Washington, DC, and now that we are in Maryland, we have also worked very closely with them. They know the gang members. They know that they come to our youth

center. They talk with them regularly. They talk to their parents regularly.

Ms. WATERS. So you don't have gang injunctions, where either one of several situations exists: a condition of parole is they cannot be in the company of other gang members, or injunctions such as the one in the Greater Los Angeles area, they can't be in certain places, they can't loiter, they can't linger, they can't associate, and a meeting would be considered a violation of that. You don't have that situation?

Ms. FERNANDEZ. There may be individual cases where that exists, but that is not something that we have used nor I have known in my experience.

I also think that even if that injunction existed and that meeting was called by both community and law enforcement officials, that it probably wouldn't be a violation.

Ms. WATERS. Not law enforcement. Community leaders, program operators who really want to talk without intimidation, without fear, without the thought that the police is listening. If you called that kind of meeting, would you have any kind of interference, surveillance or intimidation?

Ms. FERNANDEZ. No. I mean, I think because we have worked so closely with the police department and the public officials in D.C., we wouldn't. There is a trust that is developed between us and them. That didn't always exist. It has existed, probably, we have developed it over the last 10 years.

Ms. WATERS. Thank you.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Butts, you have been the lost man for a few minutes there, so I want to come back to you with just some of your testimony that you mentioned earlier.

I think I heard you right, but did you say 1994 was the last year we really had, like, a spike in violence? Or did I misinterpret that?

Mr. BUTTS. If you plotted out the incidence rate of serious violent crime, you would see it climbing throughout the late 1980's, peaking about 1994, 1995, and then falling dramatically.

Mr. FORBES. So if I had a graph and I could draw it, I would draw it up like this, from the 1980's to 1994, and then from 1994 to today it is——

Mr. BUTTS. Till about 2004.

Mr. FORBES [continuing]. It has been on a decline?

Mr. BUTTS. Right. And then it starts to pick up again.

Mr. FORBES. Good.

So the periods of time in which the Chairman was referencing all of the bills the Judiciary Committee and all has worked on, during that period of time there has been a decline by that graph in violent crime in the United States.

The other question I have, Mr. Sherman, I just wanted to make sure I heard you correctly or read your testimony correctly.

You said as many as 76 percent of all murders in Philadelphia involve convicted or charged offenders under supervision of community supervision agencies?

Mr. SHERMAN. As either victims or suspects, recognizing the fact that over half of the murders go unsolved. So we can measure 100 percent of the victims, but we are taking educated guesses based on

the arrests that have been made, as to how many of those in which no arrest is made were also committed by people who were either under supervision of the court because they were awaiting trial but in the community, and that is 30,000 people in Philadelphia; on probation or parole at the county level, that is 52,000; on State parole, that is 9,000; or in juvenile probation, which is 6,000.

It adds up to one out of every 15 people in Philadelphia is in the community at large under court supervision, but only a tiny fraction of them are highly likely to kill somebody.

And what we are doing is trying to reinvent probation and parole, at least at the adult level, to focus on the very dangerous people and to use New York's model, using a simple computer with palm print identification, to have the monthly visit with all the low-risk probationers.

Mr. FORBES. Mr. Kennedy, one of the statements that you made was about organizing the grandmothers to do that, but one of the things that was shocking to me, I was speaking in Arkansas at a gang summit that they had out there, and Luis Cardona, who Mr. Sherman is probably familiar with from Maryland and you might be familiar with, Ms. Fernandez, too, who is one of their key people, is a former gang member, works for the State of Maryland now in gang prevention.

But he told me something that just shocked me. He said the number-one group that works against his efforts, he said, in Maryland, he said, "You will be shocked at who this group is." And I said, "Who?" And he said, "It is the mothers." He said, "The mothers scream at me and curse at me because they want their kid involved in these gangs because of the economic benefits they are getting from them."

And, Mr. Logli, I am looking here at your testimony that you had earlier about this story of the mother in New Orleans, that was in your written testimony.

Mr. LOGLI. Yes, sir.

Mr. FORBES. Who, as I understand it, actually took the gun and put it in her son's hand and told him to go out and kill the person he was in a fight with, and had a picture of it on her wall. Is that—

Mr. LOGLI. She had a picture from a previous time of the young man holding a weapon, and when that young man was beaten up by a rival and came home, she said, "Well, go out there and make your revenge."

And he went out, within I think it was 20 or 30 minutes had killed the other young man.

Ms. WATERS. Will the gentleman yield for a moment?

Mr. FORBES. Pardon me?

Ms. WATERS. Is that an aberration or something that—

Mr. FORBES. Well, I don't know. Mr. Cardona, from Maryland, is the one who told me. We can bring him in to testify.

Mr. KENNEDY. Can I respond to that?

Mr. FORBES. Sure.

Mr. KENNEDY. I want to be careful here because I don't know him and I don't know what he said—

Mr. FORBES. And I had never met him before, but—

Mr. KENNEDY. In 25 years of doing this, I have never, ever seen any organized group in a community, mothers or anybody else, oppose efforts to get their kids out of trouble or oppose efforts to help them—

Mr. FORBES. And I think that is what we would normally—

Mr. KENNEDY [continuing]. Or to organize in—

Mr. FORBES [continuing]. Assume, but—

Mr. KENNEDY. That is unheard of.

Mr. FORBES. But we are hearing testimony of that. There was a case on TV not too long ago where a lady actually drove her son to a home to send him in to rob someone at gunpoint. He was a member of a gang. He was shot, came back out and they had to call 911 to pick him up because she was arrested.

But whatever the case, that makes it very difficult sometime on prevention programs, if we do have that.

Mr. Logli, I wanted to ask you a question also. You tell us that, you know, there has been this huge shift in gangs that we have seen in more of the international gangs that are coming into the country now. As I mentioned in our testimony earlier, we have high percentages of gang members who are here illegally now. And also the whole meth trade has shifted in just the last few years. It used to be kind of the homegrown variety. Now we have these Wal-Mart, if you would, kinds of meth cartels that are being put in Mexico with the gang networks coming into the United States.

Your written testimony talked about those and the increasing use of 16-and 17-year-olds to do their activity because of “the belief that juveniles will not get any time.”

And my question to you is this: We have heard testimony in here that if we simply arrest the 16-or 17-year-old, 20 more will pop up in their place because these gangs will continue to recruit and put them in there. With the laws that you currently have as a State prosecutor, how are you going after those national gangs that may be located in other States with their headquarters in other places out there?

Mr. LOGLI. Well, I really, as a local prosecutor, am not in too much of a shape to go after the organization as an organization. We deal with the individuals.

We have unique challenges with those gangs. In my community, I have bilingual police officers and bilingual prosecutors, but probably not enough. And so there is a communication problem. Not that we get tremendous cooperation from all gang members, but we get less cooperation from the Latino or Hispanic community, especially recent arrivals, simply because they came out of countries where the police were very corrupt and the government was very corrupt. And they carry that distrust with them into our nation.

And so we have a real problem getting cooperation in terms of witnesses. We find that a lot of those gangs, because of that, will simply seek out their own revenge.

Mr. FORBES. And I understand that and don't disagree with you at all on that, but what I am trying to get at specifically is, how do you as a local prosecutor go after the gang networks on these national and international gangs?

Mr. LOGLI. That is, as we used to say in the service, that is above my pay grade.

Mr. FORBES. So you really can't?

Mr. LOGLI. We really can't, and there is where we rely, probably, on cooperation with the U.S. Attorneys Office. They have got the resources. They have got the network of officers in other States, prosecutors in other States. They can really go after more the organization. Our efforts are directed at the individual.

Mr. FORBES. And would you agree with me that it is important to go after the networks and try to pull the networks down?

Mr. LOGLI. If we can, certainly. I mean, if you can go to the head of the organization and decapitate the head, you will reduce their effectiveness.

But I have got to tell you, Congressman, I do not believe that the Latino gangs that we are seeing are terribly organized. I don't believe they are highly organized. I think there is a lot of loose associations. They are not as organized as the Bloods, the Crips, the Gangster Disciples, the Vice Lords. They have got almost a business organization. We haven't quite seen that yet with the Hispanic or Latino gangs.

Mr. FORBES. And last two questions, and I know my time is expired too, but Mr. Kennedy, again, I would love to sit down sometime and talk with all of you at length because you have all got some great ideas, but one of the things that you did emphasize in terms of the balance of your testimony, I think, before, is you stated at one time before that the use of Federal sanctions was very important in ceasefire and knocking the homicide rate way down. And you specifically talked about the effectiveness of the Federal prosecutions, if they were used properly and their judicious use.

And then, Ms. Fernandez, when you talked about the homicides in Washington, D.C., I believe it was five or eight, but those homicides were prosecuted and the people incarcerated, wasn't that correct?

Ms. FERNANDEZ. Yes.

Mr. FORBES. And after that, there were no additional homicides that you could report today, of that group?

Ms. FERNANDEZ. Correct. We put the program in place while the homicides were taking place, and I think that it was both, again, the—

Mr. FORBES. A combination of the two.

Ms. FERNANDEZ. Correct.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. SCOTT. Thank you.

Chief Corwin, your written testimony mentions a Nurse-Family Partnership. Can you describe the effect of that program?

Chief CORWIN. The Nurse-Family Partnership? I am not real familiar with that particular program. It is the Kids Network that are really familiar with that, but we can provide additional information for you if you would like.

Mr. SCOTT. In your written testimony, you indicate that it has shown a reduction in crime, significant reduction in crime, for those that have had that resource. Can you tell us the multidimensional foster care program?

Chief CORWIN. I can give you the other information. I will provide that research to you.

Mr. SCOTT. Okay. And bully prevention?

Chief CORWIN. I believe there is actually people here on the panel who can probably speak specifically to those particular programs.

Mr. ELLIOTT. Mr. Chairman?

Mr. SCOTT. Mr. Elliott?

Mr. ELLIOTT. Those are blueprint programs and I can describe them for you.

The Nurse-Family Partnership is a program that initiates with single at-risk mothers, first pregnancy. It involves a nurse visitation program when she registers for prenatal care and continues with nurse visits to the home until the child is 2 years old. So it is about a 2.5-year intervention.

That intervention has proved very, very effective. It reduces the incidence of child abuse by almost 80 percent. It reduces the unemployment rate on the part of the mothers, the drug involvement on the part of the mothers, and 15 years later, when those kids are adolescents, it reduces the risk for arrest by 60 percent and conviction by almost 90 percent for those kids.

MST is multisystemic family therapy. I mentioned that earlier. It is a program which is a clinical intervention, 6 months. It is a family-based intervention which has proved to be very effective. It can reduce the risk of recidivism by as much as 75 percent.

The multisystemic treatment foster care program is one of the most cost-effective programs we have. It returns about \$13 for every dollar we invest in it. It is also for deep end, what we call deep-end kids, but it is a foster care program. And it is one of the programs which we recommend as going to scale with across the country. All three of those programs are programs we could put in across the country.

Mr. SCOTT. And the importance of bully prevention?

Chief CORWIN. The bully prevention program, it is a blueprint program, it is the one developed by Dan Olweus in Norway. That program reduces the incidences of bullying on our elementary and middle school campuses by 50 percent and has a dramatic effect about the social climate of the school and actually increase school performance as well.

Mr. SCOTT. And, Mr. Kennedy, your program has shown success in getting truces. Have you seen any successes in reducing gang membership to begin with?

Mr. KENNEDY. Well, what we produce aren't truces because we don't ask. Truces are voluntary. This is not voluntary. Offering health and bringing in the community is not the same as saying if you don't go along with this, we are going to let you do that. There is an "or else" here that is very important.

But, yes, the fact is, and I am now convinced that the absolute most important preventive action we can take is to dethrone the very hard core that is controlling the streets, modeling behavior for younger kids and making the community and all the rest of us look like idiots. And if they lose their standing on the street, then that no longer becomes an attractive track for younger kids and the danger and the fear that drives them into banding together for self-protection is greatly eased.

And if I can refer back to Mr. Forbes' question, we are seeing this basic framework work equally effectively with MS-13, with the

Sureno West Coast gangs. We don't see, and nobody that I know that is engaged with MS-13 at the local level, sees the kind of organized, purposeful structure that we are being told MS-13 has. And I think the stories that are being told about MS-13, particularly by the FBI, are profoundly misleading. And I don't know any gang researchers or any people in local law enforcement that agree with those pictures.

Mr. SCOTT. Mr. Logli, you mentioned witness intimidation as a problem. What can we do to address that problem?

Mr. LOGLI. The biggest problem we have at the State level is resources, and—

Mr. SCOTT. What would you do with additional resource?

Mr. LOGLI. We don't have to move people great distances. We can move them from one side of town to another side of town. We can move them temporarily into a motel. We can give them a cell phone so they can call the police if there is a problem. We don't need new identities and move them off into some community in Arizona.

But our resources are really tight on that, and if the Federal Government could provide some money to get these programs going, and then through matching grants and that type of thing encourage States to start their own funding stream, that would be a huge step in a very constructive direction.

Mr. SCOTT. And, finally, Ms. Fernandez, does your GIP program reduce gang membership?

Ms. FERNANDEZ. Yes, it does.

Mr. SCOTT. How does it do that?

Ms. FERNANDEZ. Well, if you come down and talk to any of our kids, a lot of times you find out that the reason that they are in a gang is because they are bored, they didn't have anything to do after school. We get them involved in other stuff.

We have art programs, we have dance programs, we have leadership programs. You name it, we have got an alternative for it, and it is that which the kids are looking for.

You know, in the cases that they have dropped out of school, they need jobs, and so we help them get into those. So it is really creating alternatives that is the key.

Mr. SCOTT. Thank you.

If there are no other questions—

Mr. FORBES. Mr. Chairman, I have a follow-up question for Mr. Kennedy.

Mr. Kennedy, you talked about the fact that these gangs aren't organized. You are aware that the Attorney General and Salvadorian president have just entered arrangements and agreements between the two countries because they felt that they were highly organized and coming back and forth.

So you think that they were both wrong in that recognition?

Mr. KENNEDY. What we see where MS-13 and other Hispanic gangs, which is mostly what we are talking about, with ties, generally it is three-way ties. It is local in the U.S., there is a California connection and then there is a Latin American connection.

What we see going on at the local level is very high levels of crime, including some extremely serious violence. So this is not to say it is not important. It is important. It is very real and it is very dangerous.

But what we see driving that is the same kind of local nonsense that we see with other gang structures. The shots are not being called either from California or from San Salvador. So that is all I can speak to, is what the local presentation is.

Mr. FORBES. In Boston, where you had such good success and all in your process there, now that they have had this up tick, I think, have they asked you to come back there and reinstitute your program there?

Mr. KENNEDY. We have been discussing that, yes.

Mr. FORBES. Have you—

Mr. KENNEDY. They don't need me, all right. There are people in Boston who know this inside out. And the commitment—the public—this is a nasty story, but Boston has now said in plain language, we kicked this thing to the curb, we made a mistake and we need to put it back together.

Ms. WATERS. Mr. Chairman, if I may?

First, I would like to ask you, are there any former gang members in the audience that I could hear from with just their thoughts or their advice about what they think we could be doing?

I don't know. It is up to the Chairman. May I hear from one?

And while they are coming—

Mr. SCOTT. Did you have a question?

Ms. WATERS. I do. Well, that is my question. If I could hear from a gang member their thoughts about what they have heard, any advice that they may have. And before he starts to say to Mr. Kennedy he missed one connection with the so-called Mexican gangs, and that is the prison where the shot callers are. All right. If it is all right with the chair—

Mr. SCOTT [continuing]. Objection to—

Mr. FORBES. Mr. Chairman, the only thing, I would love to hear from them, if we could schedule a time, but we have got several of our Members left. They don't get to ask any questions and all at this particular point in time, so why don't we schedule—

Ms. WATERS. I would ask unanimous consent of my colleagues to allow that to happen.

Mr. SCOTT. Is there objection?

Mr. FORBES. Mr. Chairman, I would just say this. I would think we ought to have an opportunity to have every member be here, just to hear what they say. We want to hear from them. And schedule an opportunity that they can come back and testify. We would love to have them. I would love to hear them and bring in Mr. Cardona and several other people, if you would like to do that.

Ms. WATERS. If I may, Mr. Chairman, I, too, would agree that we should have additional hearings to further explore this—

Mr. SCOTT. There will be additional hearings on this issue, hopefully even field hearings, so we can have additional hearings out in the field, where these situations are.

Ms. WATERS. I would appreciate that. And I would also, if I may, and I don't like pushing this hard, but one of the things that I have discovered working with young people is, they don't think they get their chance at the table. And they don't think we listen and they don't think we care. So if I could indulge my colleagues, I would like to hear from—

Mr. SCOTT. If we can hear briefly, we have to be out of the room by 12:30, okay.

Was there objection?

If you could identify yourself and make a brief statement.

Mr. CARTAGENA. My name is David Cartagena. I would like to thank you for giving me the privilege and opportunity to speak to the Committee.

Thank you, Mr. Chairman.

Thank you, Ms. Waters.

One of the things that I can say real briefly is, growing up with gang affiliation, growing up in a housing project, growing up as an inner-city minority, although I don't have the appearance, what I found is that in my upbringing there was a lot of negative influences. There wasn't no Big Brother program for me. Although it existed, it wasn't in my neighborhood. There wasn't no lawyers, clergy or any positive, basically, male role models, positive influences.

So what I have done in my occupation as a Provident street worker is to become that for youth and kids that have gang involvement, is become somebody, become somebody whose been there, done that and who also now is aspiring to live positively and to try to get them to aspire to want to achieve bigger and better things versus living negative, being reactionary rather than proactive.

So not only am I a nonviolence street worker, I am also a youth advocate. I do job advocacy. I do court advocacy. I got to court and advocate when I can. I am a mentor. I am a mediator. You know, I am a licensed mediator, facilitator. And I am also, more importantly, I am a positive role model, somebody whose been there, whose made the mistakes, who has overcome obstacles and is now willing to give back to the community and help young kids not make the mistakes I have made.

And what I have come to find is that is the thing that strikes a chord with them the most. What they need is people that have lived there, people that are just like them, but that live a whole different frame of mind now, that are trying to steer them away from making it versus in their neighborhoods they have drug dealers, low-level to mid-level. They have people that are emersed in gang activity. And those are their role models. Those are their peers. Those are the people they look up to. Those are the people they look to for input, for information, for guidance.

So I come and I try to intercede and I try to give them better information. I try to give them real street knowledge about, you know, the dangers of being involved in that kind of behavior and stuff.

Thank you.

Mr. FORBES. Can I ask David a question?

David, what gang were you in? I am sorry, you said it was David. Did I misunderstand? I thought you said your name was David, wasn't it?

Mr. CARTAGENA. Yes, that is correct.

Mr. FORBES. David, what gang were you in, if you don't mind telling us.

Mr. CARTAGENA. Almighty Latin King Nation.

Mr. FORBES. And, David, how are you dealing with the young people that you have to deal with in terms of their fear, you know, their desire for protection from other gangs? Is that a very big element out there among them? How do you help them with that?

You know, it is one thing if you have got the guy on the street that is trying to get them involved in buying or selling drugs for monetary reasons, but we are hearing a lot from gang members who say that they were just afraid if they didn't join one gang that they would be intimidated and threatened by another.

Are you experiencing that? And how do you try to protect them from that?

Mr. CARTAGENA. One of the ways that I am able to protect them is that I have no bones or problems with speaking to the opposition, speaking to the other gangs. I am out at 2 p.m. or 2 a.m. It doesn't matter. Anyway I can try and better the life of a young individual, it is what I am going to do.

So if they feel, if they say, "Look, you know, I want to come out, but the only thing is, I have a problem because, you know, my manito over there, or my senior, he ain't really going to be looking too favorably at that."

I will go talk to that individual and I will go speak to the gang itself and I let them know who I am, what I do. And basically, people for the most part, not just gang members, they know right from wrong, you know. They know right from wrong. So if they know I am actually caring and I am coming with compassion and love for that individual, more than likely they don't want any static or bad publicity or anything like that that can come upon them.

Most of the time, they leave the kid alone. Especially because I work with a lot of kids that are under the age of 17.

Mr. FORBES. Any threats upon you individually in doing this?

Mr. CARTAGENA. Not yet. Not yet.

Mr. MONTEIRO. Good afternoon. My name is Sal Monteiro. I represent the Institute for the Study and Practice of Nonviolence.

This is just to the question that you asked earlier, about if gangs get together in a city, do the police say anything or is it a violation of parole.

We work in Providence, and Providence is very small. You know, it is not real big. And we have gang members on all sides of town. And being as small as Providence is, they are going to meet. They are going to run into each other, you know, whether it is at the mall, whether it is at the store, whether it is at the corner or whether it is at the club.

So being as street workers, we are, like Mr. Kennedy said, most of these gangs, there is only two or three guys in there that are really running things and are really saying, you know, running and calling the shots.

So instead of waiting for them to meet each other on the street, whether it is a violation of their parole, we are going to go as street workers, we are going to go get those two or three individuals that are really calling all the shots, and we are going to sit them down and we are going to talk to them and we are going to try to mediate the situation to solve the problem, because most of the problems come from either "he say," you know, "he say" information

gathering, you know, "this person said this about me, that person said this about me."

And, you know, before it gets out of control, instead of letting them meet each other out in the streets, out in public, where, you know, gunshots and fighting and other individuals can get hurt, we bring them down, we are going to sit them down and we are going to talk to them. We are going to mediate the situation. We are going to come to them and find out what the problem is, why you are fighting, what is the problem, and we are going to settle it.

So whether it is a case of violating parole, I don't think we even take that into consideration. The fact is that we want the violence to stop. We don't want gang members.

And also, another thing that we tell the gangs, the young kinds, how we get across to them, that if me and, you know, this gentleman have a problem, he is in one gang, I am not in a gang but I have a problem with him, I go join another gang. Now all the problems—I had one problem with him, but now I got a problem with every person in his gang. I got a problem with all the people that he has a problem with in his gang.

So there is a lot of different ways that, when you come from the street, when you live out there in the 'hood, there is a lot of certain ways that we come across these kids that they see it, they don't see it anywhere else.

Mr. SCOTT. If there are no further questions, I would like to thank the witnesses for there testimony today.

Ms. JACKSON LEE. Mr. Chairman? Mr. Chairman? Might I, please?

Mr. SCOTT. The gentlelady from Texas?

As I had indicated, we need to be out of the room by 12:30.

Ms. JACKSON LEE. I thank the Chairman very much.

This is a issue that I would like to credit Chairman Scott for beginning even before 1995, my 1st year in the United States Congress and certainly the work of Congresswoman Waters and a lot of other Members. I remember flying around on field hearings, asking attorney generals and law enforcement officers in 1995 not to fall victim to the crime bill and believe that incarceration was the only answer.

And we have reaped what we have sowed. We literally ceded America to gangs and gang violence, primarily because we left no other alternatives and opportunities for young people.

This may be the most historic and real opportunity for us to get real and to be able to confront many of these issues.

I would just ask two straightforward questions, David, one, and then to the distinguished academicians. Who is first?

David, is there hope? Can intervention now really work? Can we explain or get the word by way of resources and prevention dollars to the folk on the street and folk like you who are working to make a real decided change?

Mr. CARTAGENA. I would just like to try to give you a brief example, all right?

I have a 16-year-old juvenile who is part of an African-American gang on the east side of Providence that I work with on a constant basis. I do follow up. I constantly outreach to him.

He called me about 3 weeks ago. He was at a basketball game, playing a rival team. There were 30 or 40 kids there from another rival faction that he has beef with that all wanted to get him. And because he was on the other side of town, he had no protection. He didn't have any of his companions with him, his colleagues or whatever, compadres, and he called me.

And he said, "Look, David, I am at this basketball game. I don't know what I am going to do. These dudes really want to get at me. What am I going to do?" I said, "I will be right there."

Ms. JACKSON LEE. SOS.

Mr. CARTAGENA. I shot right over there. I sat in the bleachers with him, because his game had already passed. I sat in the bleachers with him.

At the conclusion of the game, I actually had assistance from some of my colleagues and some of the faculty at the school to whisk him out of the back of the school and get him out of there.

Now, upon the conclusion of the game, police came to the area, responded, because they heard of a threat of gang violence potentially happening. They pulled over a car and arrested four juveniles who were his potential enemies and confiscated a firearm in the car.

So what I am saying is, does it work? Of course it does. He could have probably got killed. He could have got stomped to death that night, you know. But because he believed in a youth worker, he believed in an adult that could help him and assist him and get him out of that problem, he is been all right.

And since then, he hasn't even hung with his east side buddies. He hasn't been in any trouble. He has been working. He has been going to school, minding his business. He is still on the basketball team. He just steers clear from certain games. But that is my—

Ms. JACKSON LEE. And he is alive.

Mr. CARTAGENA. And he is alive. That is my testament to the fact that this does work—

Ms. JACKSON LEE. Can I just quickly, for Dr. Elliott, just very quickly.

They laughed at me—

Mr. SCOTT. Excuse me. I ask the gentlelady from Texas to suspend because, as I indicated, we have to be out—

Ms. JACKSON LEE. Is it 12:30 already? I can't see the—

Mr. SCOTT. It is after 12:30. And we can have written questions for our witnesses, which we will forward to you and ask that you answer as promptly as you can. They will be made part of the record.

And without objection, the hearing is adjourned.

[Whereupon, at 12:32 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON CRIME,
TERRORISM, AND HOMELAND SECURITY

Mr. Chairman, I move to strike the last word.

Thank you, Mr. Chairman for holding this hearing. Let me congratulate you also on your election as Chairman of this very important subcommittee. Congratulations also to you Mr. Forbes, on assuming leadership of this panel for the minority. I am confident that working together, we can achieve great things for the American people. We have much work to do and I look forward to working with all members of the subcommittee to address the real challenges facing our country in the areas of youth violence, juvenile crime, and gang intervention.

Let me also welcome each of our witnesses:

1. Professor Delbert (Del) Elliott, Director of Center for the Study and Prevention of Violence University of Colorado;
2. Dr. Jeffrey Butts, Senior Researcher, Chapin Hall Center for Children University of Chicago;
3. Mr. David Kennedy, Director, Center for Crime Prevention and Control John Jay College of Criminal Justice;
4. Mr. Teny Gross, Executive Director, Institute for the Study and Practice of Nonviolence, Providence, RI;
5. Ms. Mai Fernandez, Legal and Strategy Director Latin American Youth Center, Washington, DC; and
6. Chief James Corwin, Chief of Police, Kansas City, MO;
7. Professor Lawrence W. Sherman, Director, Jerry Lee Center of Criminology University of Pennsylvania; and
8. Mr. Paul Logli, Chairman of the Board, National District Attorneys Association.

I look forward to their testimony.

The subject of today's hearing is "Making Communities Safer: Youth Violence and Gang Interventions that Work." This hearing could not be more timely, Mr. Chairman.

Recent news reports cite an increase in crime in several major cities, particularly violent crimes. Much of the rise in violent crimes reported is attributed to youths, including youths associated with gangs. Even before the recent reports suggesting increases in violence committed by youths, we have seen reports of increasing gang violence and other criminal activities on a local as well as international scale.

Mr. Chairman, today, state juvenile justice systems are overburdened and underfunded. Ongoing budget reductions at both the federal and state levels have closed programs vital to impoverished communities and children. These programs keep children out of trouble and out of the juvenile justice system, providing mentoring, after-school opportunities, and other evidenced-based prevention services. By the same token, there is little, if any, funding available for proven intervention programs such as substance abuse prevention and treatment, mental health screening and treatment, gang prevention and intervention and more.

The result is a disturbing reality. The only thing our nation guarantees a child in need is a detention or prison cell after they get into trouble. Research shows that there are many prevention and early intervention programs that work, yet we seem fixated as a society on waiting for kids to get in trouble and commit crimes, including violent crimes, then by spending much, much more on increased incarceration,

the most expensive and least effective option available to address the problems presented by at-risk youths.

Punitive incarceration approaches such as mandatory minimum sentences and prosecuting juveniles as adults to apply them are justified by, and geared to, the most violent youth offenders. Yet, the vast majority of youths caught up in the snare of these type punitive approaches do not commit violent offense. Only 25 percent of the youths incarcerated have committed a violent offense. A recent report showed that two-thirds of the detention facilities in 47 states hold youth who do not need to be in detention as they wait for mental health services. Over a six-month period in 2003, nearly 15,000 incarcerated youth, some as young as seven, were held in hundreds of juvenile facilities across the country because mental health services were not available in their communities.

While only a small percentage of children have committed violent offenses, we are incarcerating children because we literally do not have effective alternatives in place, hardly in keeping with the original intent of the juvenile justice system. According to a report from the American Bar Association: "[I]ncreasingly, it is not so much the criminality of the behavior but the lack of alternatives for children with severe emotional and behavior problems, children who have been expelled from school, and children whose families cannot provide adequate care that brings them into the juvenile justice system."

The lack of available services for poor children who need them creates an enormous disadvantage and makes it much more likely that they will be incarcerated than children from families with resources.

And there is another grave impact from the tendency of our nation to concentrate on costly, after-the-fact punitive approaches as opposed to effective prevention and early intervention strategies. Statistics demonstrate racially disparate application upon our youth of many of the most punitive laws, particularly drug laws. For those charged with drug offenses, Black youths are 48 times more likely to be incarcerated than White youths. For violent offenses, Black youths are nine times more likely to be incarcerated than are White youths for the same offenses. Among youth with no prior admissions, Latinos are 13 times more likely to be incarcerated than Whites for drug offenses. For violent offenses, Latinos are five times more likely to be incarcerated.

Children may receive a more punitive disposition than they might otherwise if their parents are not involved or are unable to leave work to accompany them to court, since there is no advocate to assure the court that they will monitor the child's progress and conditions of release. In addition, sentencing patterns have been shown to have a racially disparate impact due to many factors.

Studies show that, given the same behavioral symptoms, more Black youths than White youths are arrested, prosecuted, convicted and incarcerated, and more White youths than Black youths are placed in mental health institutions as opposed to penal institutions. As Ed Latessa, a criminologist at the University of Cincinnati notes, "[I]f your family has money, you get psychiatric intervention . . . if they don't, you get the prison psychologist."

Mr. Chairman, we know what works: prevention. Collaborative and comprehensive approaches to community violence that create working partnerships between law enforcement and prevention-intervention groups work. Prevention saves lives and money. It pulls poor and minority children out of the "cradle to prison pipeline." It saves enormous amounts in the long run, yet can generate higher costs in the short run. Thus, garnering the political will among elected officials on two-, four-, and six-year electoral cycles to invest in prevention for at-risk youths is an ongoing and difficult challenge.

Prevention and intervention programs keep children from getting into trouble and pull children out of trouble. These programs also save lives and taxpayer dollars. For every child diverted from a lifetime of crime, we save between \$1.3 and \$1.5 million, which is a conservative estimate since potential cost benefits such as better salaries and reduced public service costs outside the justice system are difficult to measure. To put these savings in perspective, a program that costs \$10,000 per child, and has a success rate of only one in 100, still saves us more by serving 100 children and saving only one child than it would cost to lose that child to a lifetime of crime. Our public policies must be responsive to research and evaluation findings on the value of prevention and intervention.

Again, thank you Mr. Chairman for holding this hearing. I look forward to hearing from our distinguished panel of witnesses. I yield back my time.

Eastern District of New York

United States Attorney's Office

The United States Attorney's Office for the Eastern District of New York ("EDNY") headquartered in Brooklyn, New York, serves approximately 8 million people, who are geographically distributed throughout three of New York City's five urban boroughs (Brooklyn, Queens and Staten Island). The district also encompasses the largely suburban communities of Nassau and Suffolk Counties, Long Island, which nevertheless have quasi-urban centers with large low income residents and growing immigrant communities. The large size, dense population and the ethnic diversity within the District presents significant challenges to a unified law enforcement effort to combat gangs in the District.

The EDNY has been a leader in crafting innovative responses to the ever-growing violent-gang crisis, and was at the forefront in embracing a task force approach to combating violent gangs. In 1994, the EDNY established a section of experienced prosecutors devoted to the prosecution of violent gangs and other violent criminal enterprises. The EDNY's approach to combating gang violence has been widely used as a model for other U.S. Attorney's Offices. EDNY prosecutors have also been active in participating in and teaching at gang-related training sessions, including at the National Advocacy Center. Additionally, EDNY prosecutors have lectured in Jamaica (at the invitation of OPDAT) on investigative and prosecutive strategies in dismantling violent gangs, to the NYPD concerning gang issues, and at an FBI-sponsored Safe Streets training session in Denver, Colorado.

The success of the EDNY for more than a decade has hinged on the ability to combine local and federal law enforcement efforts at the investigative level. Unlike the classic task force model often used by the FBI or DEA, in which Special Agents are teamed with particular police detectives in standing task forces, the EDNY found it desirable for federal law enforcement to work with the New York Police Department ("NYPD") at the precinct level, teaming up on a neighborhood-by-neighborhood basis to attack the deep-rooted problem of neighborhood-based gangs. Because police precincts are the greatest source of knowledge about the violent crime problem in New York neighborhoods and have access to the detailed history of the worst gangs operating within each precinct, their inclusion on federal investigations has been crucial in identifying and prosecuting members of dozens of gangs throughout the years. This approach has been particularly useful in developing our successful Public Housing Initiative, aimed at entrenched gangs that control the area in and around dozens of large housing complexes. To address the challenges presented by gangs on Long Island, where chapters of La Mara Salvatrucha ("MS-13"), Bloods, Crips, Latin Kings, Salvadorans With Pride (SWP) and Nétas gangs maintain chapters, the EDNY spearheaded the formation of the Long Island Gang Task Force in 1999. Currently, the Task Force encompasses agents and officers of the FBI, Immigration and Customs Enforcement ("ICE"), the New York State Police, Nassau County Corrections and the Nassau County, Hempstead, Freeport and Port Washington Police Departments.

The Eastern District of New York has found that the arrest and ultimate conviction of an entire gang, together with the stiff federal sentences that are inevitably imposed, permanently disable the gang and allow the Office to focus our resources on the next problem area. The formula has been quite successful for many years. Indeed, according to data recently compiled by Executive Office of United States Attorneys for the period FY 2003 to the present, the EDNY leads the nation in the number of prosecutions of violent gang members through the use of racketeering statutes. Below is a representative sample of the tremendous success the EDNY has had in combating gangs.

EDNY Successful Prosecutions

1. Stapleton Crew

This Office used the federal racketeering statutes to dismantle the Stapleton Crew, a violent narcotics trafficking gang that operated in the Stapleton section of Staten Island from late 1999 until March 2003. The crew maintained an arsenal of illegal firearms, available to all members, which were used to protect its narcotics operation and to intimidate and eliminate its enemies through repeated acts of violence. In March 2003, one of the Crew's members, Ronnell Wilson, murdered two undercover New York City Police Department detectives who were attempting to purchase firearms from the Crew. The government charged six members of the enterprise, five of them with RICO, RICO conspiracy, murder in aid of racketeering, narcotics trafficking, robbery and other charges. Five defendants pled guilty, four of whom have been sentenced to terms of incarceration of ten, twelve, twenty-five and twenty-seven years, respectively. Another defendant is cooperating with the government. The final defendant, Ronnell Wilson, was found guilty after a jury trial in December 2006 of murdering the two detectives. In January 2007, the same jury voted to impose the death penalty.

2. United States v. Kenneth McGriff ("Supreme Team")

This Office charged three defendants with racketeering crimes related to the efforts of legendary Queens, New York gang leader Kenneth "Supreme" McGriff and others to rebuild his violent narcotics organization after his release from federal prison in 1993. McGriff and a co-defendant were recently convicted and will receive life sentences. The remaining defendant pled guilty pursuant to a cooperation agreement.

3. La Mara Salvatrucha ("MS-13") Street Gang

La Mara Salvatrucha ("MS-13") is a violent gang, composed primarily of immigrants from Central America with chapters throughout the United States, including Long Island and Queens, New York. The gang engages in murder, robbery, narcotics trafficking, gang assault, firearms trafficking, interstate transportation of stolen vehicles, sexual assault, witness tampering and obstruction of justice, among other crimes. As detailed below, this Office has indicted MS-13 gang members in both Long Island and Queens.

a. Long Island MS-13 Prosecutions

In a series of prosecutions charging violent crimes in aid of racketeering pursuant to Title 18, United States Code, Section 1959 (“VICAR”) from 2003 through 2005, more than thirty members of MS-13 have been prosecuted for a series of violent crimes, including murders and assaults, as well as firearms offenses. To date, more than twenty MS-13 members have pled guilty to violent racketeering charges while four others were convicted on murder and assault counts in three trials. The victims of the charged murders and assaults included innocent bystanders, rival gang members and MS-13 members who were assisting law enforcement authorities. Some of the victims were as young as 15 years old.

b. Queens MS-13 Prosecutions

In 2006, several members of MS-13 chapters located in Queens, New York have been charged with violating RICO and VICAR to include charges of murder, attempted murder, assault and robbery. The defendants are awaiting trial and face sentences ranging from ten years’ to life imprisonment.

4. Woodbine Crew

The Woodbine Crew was a violent gang based in the Bushwick neighborhood of Brooklyn, New York, that engaged in murder, heroin trafficking, violent robbery of rival narcotics traffickers, witness tampering and obstruction of justice. Members of the Woodbine Crew were charged in two separate indictments with RICO, RICO conspiracy and murder in aid of racketeering violations. After two trials in 2001 and 2004, the government convicted ten members of the Woodbine Crew, who were sentenced to lengthy terms of imprisonment, ranging from twenty-six years’ imprisonment to life.

5. United States v. Dwayne Stone et al., (“Folk Nation”)

Seven members and associates of the Folk Nation gang were charged in 2005 in a twenty-eight-count indictment with RICO and RICO conspiracy, which included six murders, five attempted murders, murder conspiracy, assault and related firearms counts. The charges relate to a number of gang-related murders and other acts of violence, including a drive-by shooting that resulted in the death of an innocent bystander and the attempted murder of several New York City Police Department officers. This case is awaiting trial.

6. United States v. Damion Hardy, et al. (Cash Money Brothers)

Seven members of a violent narcotics gang known as the “Cash Money Brothers” were charged in 2005 with RICO, RICO conspiracy, murder in aid of racketeering, kidnaping and robbery. Two defendants were convicted in October 2006 after trial of these charges. The other five defendants are facing racketeering and murder in aid of racketeering charges. Two other defendants have pled guilty to racketeering charges.

7. Patio Crew

This Office convicted six members of the “Patio Crew,” an extraordinarily violent Jamaican narcotics gang that dominated the drug business in the Flatbush area of Brooklyn between 1989 and 2001. These defendants were convicted of a combination of narcotics, RICO, RICO conspiracy, firearms and murder charges. Two defendants, Emile Dixon and Humphrey Stewart, were convicted in separate trials in 2003 and 2004. In the Dixon trial, this Office sought the death penalty based on Dixon’s participation in an obstruction of justice murder and a separate narcotics-related homicide. The jury convicted Dixon of all counts, including RICO, RICO conspiracy, murder-in-aid-of-racketeering, murder in furtherance of narcotics trafficking, narcotics conspiracy, robbery and firearms charges, but did not vote to impose the death penalty. Emile Dixon and Humphrey Stewart were each sentenced to life imprisonment while Jermaine Dixon received a sentence of thirty years’ imprisonment.

8. United States v. Darryl Tyler, et al (D-Nice Enterprise)

This Office charged eight members and associates of the “D-Nice Enterprise,” a violent narcotics gang that sold massive quantities of crack cocaine and cocaine in Brooklyn, New York and Baltimore, Maryland from the early 1980s until 2000. The defendants were charged with RICO, RICO conspiracy, murder, murder conspiracy and narcotics trafficking. None of the charged defendants were juveniles, but the enterprise frequently employed juveniles to work as low-level drug sellers. Five defendants were convicted in two separate trials in 2002 and 2004; one was sentenced to life imprisonment; three defendants were sentenced to thirty years’ imprisonment, and one defendant was sentenced to ten years’ imprisonment. The other defendants pled guilty.

9. United States v. Tyrone Hunter, et al. (“The Enterprise”)

Five members of a violent narcotics trafficking organization, charged in the indictments as the “Enterprise,” were charged with RICO, RICO conspiracy, murder in aid of racketeering, narcotics trafficking and money laundering. The gang operated primarily in the East New York section of Brooklyn from approximately 1985 until 2003. Enterprise members and associates committed acts of violence and murder to protect their narcotics operation and the reputation of the Enterprise and routinely committed shootings and assaults for the purpose of collecting drug debts. The Enterprise members also made money by murdering and robbing other criminals of their drugs and cash. Three defendants have pled guilty pursuant to cooperation agreements. Two defendants were convicted last week on charges including RICO, RICO conspiracy, murder, obstruction of justice, robbery, and money laundering.

10. United States v. Curt Mathews, et al (“M&P Crew”)

Three defendants were charged in 2004 with RICO, RICO conspiracy, murder in aid of racketeering, attempted murder in aid of racketeering, bank robbery conspiracy, kidnaping, and

several other charges. Three other defendants pled guilty to other charges related to the crew's crimes. The charges stem from the defendants' participation in a violent Brooklyn-based crew that sold narcotics, robbed banks and other businesses and kidnaped rival drug dealers from 1998 through 2002.

11. Martin Family Crew

Eleven members of a violent narcotics trafficking gang, the "Martin Family Crew," that operated in Brooklyn and several other cities along the Eastern seaboard were charged in 2005 with racketeering-related charges, including RICO, RICO conspiracy and murder in aid of racketeering (nine other members of the gang were charged with non-racketeering charges). All defendants have pled guilty and are awaiting sentencing and most face potential life sentences.

12. United States v. Laval Farmer, et al. (Bloods)

In 2004, five members of the Bloods' "Velt Gangsta Lanes" ("VGL") set, located in Roosevelt, New York, were charged with various violent crimes in aid of racketeering pursuant to Title 18, United States Code, Section 1959 (VICAR), involving murder and a firebombing. The five VGL members were among over fifty Bloods members on Long Island who have been prosecuted by this Office. One of the leaders of the VGL set, Laval Farmer, was convicted after trial in 2006 on VICAR murder charges for the killing of a 14-year-old whom Farmer mistakenly believed to be a member of the Crips, and the shooting of a fellow Bloods member. This case effectively dismantled the VGL set on Long Island.

13. The Crime Family

Twelve members of a violent narcotics trafficking gang known as "The Crime Family" were charged in 2001 with RICO, RICO conspiracy, narcotics trafficking and murder in aid of racketeering. Another twenty defendants were prosecuted by the Brooklyn District Attorney's Office as part of a coordinated state-federal investigation. The Crime Family ran a retail crack cocaine distribution operation from a public housing development in the East New York section of Brooklyn between 1997 and 2001 and regularly engaged in violence to protect its drug proceeds and reputation. The Crime Family possessed an arsenal of illegal firearms which were used by Crime Family members in several shootings, including a murder committed on January 25, 2000. The leader of the organization was convicted after trial in 2003 and sentenced to life in prison. The co-leader of the gang pled guilty and was sentenced to thirty-three years' imprisonment. The other defendants also pled guilty.

14. Boston Crew

Four members and associates of a violent narcotics organization, identified in the indictments as the "Boston Crew," were charged with racketeering-related charges, including RICO, RICO conspiracy and murder in aid of racketeering, as well as narcotics charges. The

organization operated in New York City, the Dominican Republic and Boston, Massachusetts. All of the defendants, including one who was extradited from the Netherlands to the United States, pled guilty.

15. FDP Crew

Thirteen members of a violent narcotics gang known as the "FDP Crew" were indicted in 2005 on RICO, RICO conspiracy and other offenses including narcotics trafficking, robbery, murder in aid of racketeering and firearms charges. Two members of the crew are charged with attempted murder for shooting at law enforcement officers on the crew's block. One defendant is charged with the murder of a rival gang member. Eight of the defendants have pled guilty or cooperated. The remaining five defendants are awaiting trial.

16. United States v. Carlos Gil, et al. (Latin Kings)

Two members of the Almighty Latin Kings Nation have been charged with murder in aid of racketeering for the 2001 murder of a rival gang member. Carlos Gil was charged with murder in aid of racketeering in December 2004 and is awaiting trial.

17. U.S. v. Amadeo Rodriguez, et al. (Nétas)

Seven members of the Nétas' Freeport, New York "chapter" were charged in 2004 in an indictment and an information with VICAR murder, conspiracy, and assault charges, as well as firearms offenses. The defendants included the Nétas' Vice President and the gang's "Leader of Discipline." Most of the charges relate to a street war between the MS-13 and the Nétas, which originated with the November 1999 murder of a pre-med student at Stonybrook University. The victim was with several of the Nétas defendants when he was repeatedly shot and killed after MS-13 members mistakenly believed him to be a Nétas member. During the war with MS-13, two Nétas members murdered an innocent victim whom they mistakenly believed to be one of the leaders of MS-13 on Long Island.

18. Pagans Outlaw Motorcycle Club

On February 22, 2002, dozens of heavily-armed members of the Pagans Outlaw Motorcycle Club descended upon the Vanderbilt Catering Hall in Plainview, New York to attack a public event hosted by the Hell's Angels. About a dozen people were shot, stabbed or beaten, and one Pagan was killed. Approximately sixty-five Pagans – including three members of the Pagans' "Mother Club" – pled guilty to VICAR racketeering charges stemming from the fight, and a holdout defendant was convicted of VICAR racketeering counts at trial. The defendants were sentenced to between two and seven years' imprisonment for their involvement in this brawl. This prosecution essentially eliminated the presence of the Pagans on Long Island.

19. Park Hill Bloods

This Office charged Constantine McLaughlin with conspiracy to commit murder and murder in aid of racketeering and related firearms charges stemming from his participation in a murder for the purpose of gaining entrance to the Park Hill Bloods, a violent street gang. McLaughlin, who was 29 at the time of the indictment, was convicted after trial in 2005 of murder conspiracy and was sentenced to the statutory maximum ten years in prison.

EDNY Gang Prevention Efforts

The District has leveraged resources and coordinated the juvenile gang prevention and early intervention activities of PSN, Weed and Seed and the Public Housing Safety Initiative. Weed and Seed's popular and successful DEFY Program operates in the same neighborhoods as the designated PSN enforcement Hot Spots. Through DEFY, at-risk young people from the Weed and Seed neighborhoods are offered intensive summer camp programs with follow-up mentoring activities during the school year. Through the Public Housing Safety Initiative funding, the Queens District Attorney's Office and the Center for Court Innovation are expanding the Youth Court program in one of the most gang-impacted neighborhoods in the City – also a Weed and Seed neighborhood. Related initiatives led by PSN partners include the Queens County DA's Star Track and Nassau County DA's Rising Star programs, which provide school-based mentoring by Assistant District Attorneys.

The District's Weed and Seed and Public Housing Safety Initiatives also support the Kings County DA's Offices reentry program for parolees. In this program, called ComALERT for Community and Law Enforcement Resources Together, counselors screen parolees ages 16-24 for substance abuse and refer eligible parolees for treatment and focused assistance for transition back to society. The participants attend weekly individual- and group-counseling sessions. Parolees participating in the ComALERT program also receive employment assistance, including referral to transitional employment or training. ComALERT clients also receive housing assistance as needed.

On November 16, 2006, the U.S. Attorney's Office for the Eastern District of New York took part in the Youth Violence & Gangs Conference sponsored by the Safe and Supportive Schools and Community Consortium and Hofstra University. The conference focused on community-based services for gang prevention. The U.S. Attorney's Office teamed with PSN partners, including the Nassau DA's Office and representatives of local school districts, to provide an overview of coordinated enforcement and prevention efforts. The workshop, "Project Safe Neighborhoods - A Strategic Approach to Combating Gang and Gun Violence," was well received by community and law enforcement participants and the office has been asked to replicate the presentation in other parts of Long Island.

On December 1, 2006, the U.S. Attorney's Office held a Gang Prevention Summit at the Federal Courthouse in Central Islip, NY. The Summit was attended by over 100 people, representing 6 Federal agencies, and 12 local law enforcement and district attorney's offices.

The day-long conference included a panel discussion entitled "Alternative Strategies: Prevention, Intervention & Deterrence."

The District's PSN School Violence Prevention Initiative (SVPI) is being implemented in partnership with the Nassau County DA's Office, The Urban Institute, and the School Districts of Uniondale, Hempstead, Roosevelt, Westbury, and Freeport. The first phase began a year ago and has shown promising results. The initiative incorporates the Second Step and Peacemakers programs and educates youth in anger management and conflict resolution at the middle school level. The participating schools held a joint ceremony on October 18, 2006, the Day of National Concern about Young People and Gun Violence. The program included awards for the youth anti-violence poster contest and Student Pledge against Gun Violence. The District has begun the second phase of this PSN violence prevention initiative in Suffolk County, building upon the demonstrated success of the first year.

Project Safe Neighborhoods and Anti-Gang Grants - FY 2006

Anti-Gang Initiative - \$578,967. Project end date: 12/31/2008

The Fund for the City of New York's Center for Court Innovation will use \$578,967 in FY2006 Anti-Gang grant funds to support anti-gang and firearm prosecutions in the five counties that comprise the Eastern District of New York: Kings, Nassau, Queens, Richmond and Suffolk. Funds will be used for precinct-level investigators and local prosecutors dedicated to gang and firearms cases. Funding will also be used to contract a community resource specialist through the Urban Institute to assess and advise on the initiative's impacts.

BJA FY 2006 Project Safe Neighborhoods - \$276,099. Project end date: 05/31/2009

The Fund for the City of New York will use \$276,099 in funding for the Eastern District of New York. Activities will be administered through the Center for Court Innovation with the following five contracts: 1) a part-time Assistant District Attorney in Kings County to focus on screening and referring cases for Federal prosecution as well as track gun cases in targeted hot spots; 2) a part-time Assistant District Attorney in Queens County to focus on interstate gun trafficking through the Narcotics Investigation Bureau; 3) a part-time Assistant District Attorney in Richmond County to focus on criminal enterprises centered in and around housing complexes on Staten Island; 4) a combination of law enforcement investigation, prosecution, and probation strategies will be staffed in Nassau County; and 5) the Urban Institute will conduct prevention and intervention programs in schools to deter youth from gangs, guns, and violence as well as provide on-going assessments of the PSN effort for the district.

Southern District of Texas

United States Attorney's Office (USAO)

The Southern District of Texas USAO promotes prevention initiatives by funding programs which include community education of federal and state gun laws and the distribution of consequence information for committing crimes with firearms especially, directed toward (1) re-entering offenders, (2) those currently on probation, and (3) juveniles.

The Texas Attorney General's Office, a grant recipient, created the "Consequences" curriculum for middle and junior high school students. The curriculum includes 10 chapters relating to gun crime, hate crime, violence and gangs. The program utilizes an interactive CD-Rom which includes interviews with Texas Youth Commission students who specifically address the consequences of gang involvement and firearms possession. Over 10,000 CD-Roms have been distributed across the state to nearly 550 agencies, schools and service providers. Fort Bend County Juvenile Probation Department's "Choices and Consequences" diversion program utilizes the "Consequences" curriculum as a means to prevent further juvenile criminal activities. Attendees are tracked for future interaction with the Fort Bend County juvenile justice system. From January 1, to June 30, 2006, Fort Bend County reported a recidivism rate of only 15% for youth that attended the program during the previous year.

The Texas Department of Criminal Justice (TDCJ) Parole Division has now completed production of a 17-minute "Drop the Gun" videotape, customized for Texas parolees. This video features three Texas U.S. Attorneys with opening comments from the Texas Department of Criminal Justice Executive Director. The video consists primarily of excerpts from interviews with three convicted felons who had previously been paroled from state prison and subsequently were prosecuted by federal authorities and received federal prison time for firearms violations. Each of these convicted felons discuss their lack of knowledge of federal gun laws as they relate to convicted felons, as well as their shock that their federal sentences were not subject to parole, as is often the case in the state system. These interviews include powerful accounts of the impact the federal convictions had on them and their families, including the recognition that federal prisoners are often incarcerated away from their home states. The "Drop the Gun" video was distributed to approximately 100 TDCJ Institutional Division Units. It is shown as part of the Pre-Release Changing Habits and Achieving New Goals to Empower Success (CHANGES) curriculum. This video will be shown to approximately 25,000 offenders annually as well as paroled offenders during the "New Arrival" orientation classes. Pre and post-tests of content understanding are also administered to all offenders who view the video for subsequent evaluation by administrators. The video was reproduced and adapted for the state probation audience and is in the process of distribution to probation offices statewide.

One of the District's strongest non-law enforcement partners in Houston is the Mayor's Anti-Gang Office whose mission is intervention and prevention of gang involvement. The coordinators for the Weed and Seed sites in Houston are housed within this office. Mayor's Anti-Gang personnel work directly with gang involved youth to help them move away from the gang lifestyle and provide both youth and adult educational programs to increase awareness of the dangers of gang involvement.

The district has held the first of three gang summits. The first occurred in Houston and was attended by approximately 75 individuals from numerous law enforcement agencies and community organizations. Attendees included representatives from the U.S. Attorney's Office, Houston Independent School District, Harris County Sheriff's Office, HPD, Harris County Juvenile Probation Services, Harris County District Attorney's Office, ATF, FBI, DEA, ICE, Federal Detention Center, U.S. Marshal Service, U.S. Probation, Texas Youth Commission, Texas Department of Public Safety, TDCJ, TDCJ-Gang Division, Texas Attorney General's Office, and HIDTA. Through the summit, the District was able to (1) share what each agency is accomplishing regarding gang enforcement, prevention, intervention and education, (2) identify gaps in services, (3) identify strengths and weaknesses, and (4) discuss future strategies. Additional summits are planned for Victoria and Laredo.

Additional Grants focused on Gang Prevention

Gang Resistance Education and Training - \$196,510. Project end date: 06/30/2007

The Office of Harris County Constable Precinct 7 has adopted a multifaceted stance against gangs involving prevention, education, enforcement, community involvement, referral, and collaboration. With the G.R.E.A.T. program and curriculum as the key mechanisms in combating gang proliferation, the Precinct's strategy is to expand the G.R.E.A.T. program, to expand its reach in the community, and to continue to work with the community, interfaith programs, and other agencies to achieve this. The Precinct 7 G.R.E.A.T program is central to the Precinct's fight to deter youth from becoming involved in gangs and street crime. Funding from this grant will be used to expand the reach of Constable Precinct 7's G.R.E.A.T. program. This will include enhancement of the Summer Program, introduction of the Families Training Program, and the assignment of additional officers to help reach all eligible and at-risk schoolchildren in the Precinct.

Gang Resistance Education and Training - \$50,000. Project end date: 06/30/2007

The Precinct 6 G.R.E.A.T. program strives to impact the lives of students participating in the program by providing gang-awareness education classes, enhancing self esteem, and providing alternatives, such as youth sports and activities. The program will reach about 4,800 high-risk students in both elementary and middle schools within the Precinct this year. The deputies assigned to the G.R.E.A.T. program seek to better educate children, parents and the general public about the negative effects of gang involvement and activities, while performing proactive community policing. To carry out the mission of G.R.E.A.T, Precinct 6 will continue to implement the program's four components; elementary, middle school, family training, and summer activities. It is the intent of Precinct 6 to reach the precinct's most vulnerable and susceptible children, as identified by the abovementioned methods. With these grant funds, Precinct 6 will increase the number of officers assigned full-time to the G.R.E.A.T. Program from two to four to meet the increasingly difficult challenge from the influence of gangs. Currently, Precinct 6 is participating in all four of the G.R.E.A.T. programs. The Deputies are devoted 100 percent of the time to implementing the G.R.E.A.T. program, frequently working overtime without compensation in order to see to the success of the program.

The Houston Mayor's Anti-gang Office operates a Gang Free Schools and Communities project originally funded by OJJDP in 2001 and continuing through 2007. This project targeting the

East side of Houston has engaged law enforcement, school, and community partners to enhance coordination, gang enforcement, and gang intervention. The first phase of the project included in-depth gang problem assessment and strategic planning to identify priorities and provide a combination of incentives and deterrents to entice gang-involved youth away from the gang lifestyle.

Houston, Gulfton, Weed and Seed Site

Official Recognition Date: 1/9/2002; received \$624,191

The Gulfton Weed and Seed Steering Committee is addressing its high crime activity in the Gulfton target area through its Gang Homicide Squad and its Citywide Gang Unit. Prevention, intervention and suppression strategies involving the Mayor's Anti-Gang Office, law enforcement officials and criminal justice agencies are the principal resources that will be responsible for crime abatement operations. Prevention and suppression functions are used to provide after school programming, mentoring, recreational activities counseling, education, and mediation. Crime suppression initiatives such as crime documenting, targeting, arresting, and incarcerating gang members are also being utilized.

Eastern District of Virginia

United States Attorney's Office – Gang Prevention Summit

The United States Attorneys for the Eastern and Western Districts of Virginia, along with the Governor and Attorney General of Virginia, hosted a gang prevention summit on December 11, 2006, in Richmond. The summit focused on prevention, intervention, and suppression efforts, and the audience included police chiefs and sheriffs, Commonwealth's Attorneys, federal law enforcement managers, state probation officers, and social service organizations from throughout the state. The enforcement component included a presentation by Director General Rodrigo Avila Avilez of the El Salvadoran National Police (Policia Nacional Civil) and facilitated discussions amongst law enforcement leaders to share successful gang strategies from around the state.

Additional DOJ Grant-Funded Activities

The Richmond, Virginia Gang Reduction and Intervention Project is the local name for the Gang Reduction Program that is operated by the Attorney General's Office for the Commonwealth. This project is based on a collaboration of State, local, community- and faith-based organizations engaged in gang prevention, intervention, and enforcement. The program was originally funded in 2003 through a \$2.5 million cooperative agreement that continues through 2007. The program target area is on the south side of Richmond in an area identified as the Broadrock corridor.

The Richmond Police Department received \$60,000 in FY 2006 to facilitate the G.R.E.A.T. Program in each of the nine middle schools that have approximately 2,400 7th graders. A large concentration of effort and resources will be for two middle schools that serve the South Richmond target area. Those schools are Boushall and Elkhardt Middle Schools. Collectively those schools serve approximately 650 7th grade students. The program curriculum will be taught by G.R.E.A.T. certified officers.

The Newport News Police Department was awarded \$122,974 under the G.R.E.A.T. program. The Police Department in conjunction with the Boys & Girls Clubs of Virginia Peninsula, and the U. S. Army (Ft. Eustis) will use the grant funds to center efforts around a one-week summer camp for 12-17 year old children who are susceptible to gang influence and involvement. Specifically, the grant funds will be used to: 1. Hire one full-time officer to serve as the G.R.E.A.T. coordinator for the middle schools, to administer Police Academy for Youth, and to coordinate the summer camp program, as well as other youth-related prevention programs in the department. 2. Implement an experimental summer camp program for 2006 that will serve 120 students in the middle and high schools. 3. Implement the G.R.E.A.T. Family Component into the existing Citizens' Police Academy for Youth. 4. Improve the existing G.R.E.A.T. Program at Huntington Middle School by providing incentives to the participating students and expand the G.R.E.A.T. Program to the other seven middle schools.

The City of Norfolk will use JAG funds (\$292,001) to: support police overtime for community policing activities; purchase computer hardware and software for advanced crime

analysis; expand the Jail Drug Treatment Program from 36 participants a day to 58 participants a day receiving drug treatment; secure computers and software supplies for the Dreamkeepers Academy's youth prevention/education program; support program staff, equipment and supplies for the Second Chances, a program that provides "Job Readiness" training, job referrals and placement to ex-offenders; provide personnel and supplies for the Youth, Education and Sports (YES) Program which targets at-risk youth; and support a counselor for the counseling of opiate addicted individuals.

The Newport News Targeted Outreach Program will expand the Boys and Girls Club Gang Prevention through Targeted Outreach to other local youth-serving agencies. The model will provide an additional 100 youth who are at risk of gang involvement with individualized services and support and intensive case management services. The Newport News Targeted Outreach Program is part of the City of Newport News's comprehensive Keeping Our Kids Safe Action Plan. Juvenile Justice and Delinquency Prevention (JJDP) Act funds are used to provide reimbursement for half of the case management costs of the program.

Newport News Weed and Seed Site

Official Recognition Date: 6/13/2003; received \$425,000

The Newport News Weed and Seed will collaborate with the Juvenile Justice Agencies to implement a component called Community Work Alternative Program. The program will utilize a Five Point Plan to Address Juvenile Crime: 1.) Repeat offenders 2.) Training for service providers who deal with juveniles 3.) Curfew 4.) Truancy 5.) Collaboration with Juvenile Justice Agencies. The initial plan is to have weekly service projects at different NNPD facilities and other sites within the target area.

Northern District of Georgia

The Northern District of Georgia's PSN Initiative has partnered with several community-based prevention programs to combat gang violence: the Boys and Girls Club on Singleton Road in Norcross, Georgia was funded to institute its national anti-gang program in an area that is a hotbed for Hispanic gang activity; Caminar Latino, a faith based, life-skills program that attacks gang influence by creating a strong home environment; the Latin American Association, perhaps the most vibrant Latino based organization in metro Atlanta; and the Pan-Asian Society, which specializes in after-school programs and anti-gang messages for Asian children.

In addition to partnering with local community organizations, in December 2006 the District hosted an Anti-Gang Summit that focused on prevention. Almost 200 people attended the full-day Summit. Attendees were drawn from school systems where gang violence is an unfortunate reality; Latino and Asian community outreach organizations; law enforcement; and District Attorneys' offices. Speakers included all of the USAO's anti-gang partners; an Atlanta-based investigative reporter who has repeatedly run stories on gang violence; a juvenile court judge; local district attorneys who have aggressively targeted gang violence; an update of federal prosecution; and the vice-chair of the American Bar Association's new programs targeting youth at risk. Additional guests were a group of "at risk" teens and pre-teens who were asked what they thought would best work to combat the influence of gangs. Attendees reinforced the idea that providing a safe place for these young adults to gather in the critical 3 p.m. to 8 p.m. time would do the most to thwart peer pressure for gang membership. To that end, the Northern District of Georgia supports Boys and Girls Club's anti-gang programs and a local boxing club that requires high school age students who train there to stay in school.

Southern District of New York

The Southern District of New York's Weed and Seed sites are creating and disseminating anti-gun crime messages and providing evidence-based programs within the safe havens and middle schools in the target sites to deter at-risk youth from committing violent crime. The Bronx DA's Office offers a multifaceted approach to battling narcotics and violence through a community outreach program for school children and their parents to inform them of the negative effects of gangs, gun crime, and drugs. The NYC Department of Probation is utilizing funding in part for intense supervision of probationers identified as most likely to recidivate.

The District's Anti-Gang strategy, based on a partnership with the Bronx, Westchester, Dutchess and Orange County district attorneys and federal and local law enforcement agencies, coordinates enforcement and prevention initiatives. Funds go to the Weed and Seed sites to support their anti-gang Task Forces, training programs and prevention programs for at risk youth. Asset maps are being created to leverage existing resources for gang prevention programs, and youth volunteers work with the police to remove graffiti.

The Southern District of New York's USAO (SDNY) held a Gang Summit in October 2006, which included a wide range of participants from law enforcement, prevention, intervention, education and community-based organizations providing comprehensive social services to at-risk youth. The Summit, through a combination of plenary speakers and workshops facilitated by content experts in enforcement and prevention, identified key problems, barriers and solutions to support SDNY's efforts to prevent gang violence.

FY 2006 Project Safe Neighborhoods and Anti-Gang Funding

BJA FY 2006 Anti-Gang Initiative - \$388,217. Project end date: 6/30/2007
The Fund For the City of New York's Center for Court Innovation will use \$388,217 in funding to support the anti-gang efforts of the Southern District of New York's Project Safe Neighborhoods Task Force. Funds will be directed to support the suppression, intervention and prevention of gang activity in the following five Weed and Seed sites located in the Southern District: Poughkeepsie - Main Street and North Side; Bronx - Mott Haven; Bronx - Bruckner; Yonkers - 3rd Precinct and Ashburton; and Newburgh. Also, the Center for Court Innovation will use 10 percent of these funds for administrative costs, and the Urban Institute will use \$10,000 for a process evaluation of these anti-gang efforts.

BJA FY 2006 Project Safe Neighborhoods - \$208,309. Project end date: 5/31/2009
The Fund For the City of New York's Center for Court Innovation will use \$208,309 in funding to establish Weed and Seed sites (in conjunction with the FY 2006 anti-gang funding target areas), to debrief defendants in gun cases, improve collection and sharing of gun-related data, and expand Federal prosecutions for gun-related crime. Activities will also include prevention and intervention, establishing hotlines, and creating and disseminating anti-gun messages to at-risk youth.

Issue Brief

NOVEMBER 2006



CHAPIN HALL
CENTER FOR CHILDREN
AT THE UNIVERSITY OF CHICAGO

Too Soon to Tell: Deciphering Recent Trends in Youth Violence

BY JEFFREY A. BUTTS AND HOWARD N. SNYDER

Mayors and police chiefs recently sounded an alarm about rising crime in the United States. Their apprehensions were sparked by predictions of law enforcement advocates who argue that new crime statistics indicate a "gathering storm" of violent crime (Police Executive Research Forum, 2006). In heeding these warnings, elected officials across the country are debating policy changes to address what they believe is a growing crime problem. Media coverage of the issue has focused the nation's attention on violent crime, especially violent youth crime.

Predictions of a coming crime wave are premature at best. Crime remains at or near a 30-year low. An American's chances of being the victim of a violent crime are still lower than at any point since the 1970s. According to surveys conducted by the U.S. Department of Justice, the odds of being a violent-crime victim dropped nearly 60 percent since 1994, and those odds have not increased in recent years.

Of course, there are always reasons to be concerned about violent crime. Horrific crimes continue to occur throughout the country, but the rate at which they occur has increased only slightly. The number of arrests for violent crimes grew 2 percent between 2004 and 2005. According to the most recent data released by the Federal Bureau of Investigation (FBI), arrests for several key offenses are up, including murder, robbery, and weapon offenses. Other serious crimes, however, continue to decline.

Viewed in proper perspective, the recent increases in violent crime are quite small. Compared with the scale of violent crime seen during the past 30 years, a 1-year increase of 2 percent is not enough to suggest the country is entering a new era of rising crime. America's decade-long crime decline may be coming to an end, but it is too early to predict a new surge of violent crime and it is inappropriate to imply that future increases are inevitable.

The Crime Decline May Be Over

During the late 1980s and early 1990s, violent crime in the United States soared to levels higher than at any time since the beginning of modern-day crime statistics. Then, suddenly and dramatically, rates of violent crime began to descend, falling continuously through 2004.

1313 EAST 60TH STREET
CHICAGO, IL 60637
TEL: 773-753-5900
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According to national data tabulated by the FBI, 1.9 million Violent Index crimes were reported to police agencies in 1991, representing a rate of 758 crimes per 100,000 Americans.¹ By 2004, the number of Violent Index crimes dropped 28 percent to 1.36 million, for a rate of 463 crimes per 100,000.

We may never know the exact reasons for the crime decline, but researchers have tested a number of credible hypotheses. The strongest factors in the crime drop appear to be the growing prison population (accounting for about one-fourth of the total decline), improved economic conditions, greater access to housing and employment, changing cultural standards of behavior, various effects of the illegal drug market, gun laws, community policing, and other criminal justice innovations (Blumstein and Wallman, 2006). Retrospective analyses suggest that each of these factors played a part in the crime decline, but it is impossible to isolate the independent effects of such a broad array of social forces.

1. The FBI defines Violent Index crimes to include murder, forcible rape, robbery, and aggravated assault.

Growing concern about violent youth crime

Florida Searches for Root of Surge in Violent Crime

Headline in *USA Today*, November 1, 2006

Violent Crime Up in State, Especially for Kids

Headline in *Miami Herald*, October 18, 2006

"Robberies have spiked in recent years in the Washington region and many other parts of the country, as the number of juvenile offenders and the availability of guns grows, police officials said."

The Washington Post, October 13, 2006

With Arrests Way Up, Some Fear Crime Wave Among City's Youth

Headline in *New York Sun*, September 20, 2006

"So much of the uptick in crime in Minneapolis ... was among younger teenagers," said City Council Member Don Samuels, who agreed with [Police Chief Tim] Dolan's assessment that police are getting a better handle on the problem. "You have to concentrate on kids if you're going to address the crime issues."

Minneapolis-St. Paul Star Tribune, September 18, 2006

Methods

This report describes national crime trends calculated with data from the Federal Bureau of Investigation's Uniform Crime Reports (UCR). Two forms of UCR data are used in the report: the number of crimes reported to police and the number of arrests that result from those crimes. Arrest data provide the only means of analyzing crime across different age groups, as the age of an offender cannot be verified before an arrest has occurred.

National arrest estimates (as well as per capita rates based upon those estimates) are calculated using UCR data released in September 2006. The FBI collects annual information on arrests made by law enforcement agencies throughout the United States. Data are collected from jurisdictions containing a majority of the U.S. population, typically between 60 and 90 percent of residents nationwide. The primary publication of UCR data, *Crime in the United States*, is based upon data from those police agencies able to participate fully in the UCR program each year. Full participation requires that agencies submit their data to the FBI on time and their data cover all arrests for a minimum number of months during the year. For 2005, the jurisdictions that participated fully represented 73 percent of the U.S. population.

Nearly all of the arrest statistics generated by the UCR program are based on this sample. They are not national estimates. The FBI does not calculate national estimates for different age groups. To examine national arrest estimates for various groups and to calculate per capita arrest rates for those groups, this report relies on the FBI's estimate of total arrests for each major offense. It uses the data reported by UCR-participating jurisdictions to determine the proportion of arrests for each offense that involved individuals of various ages. That proportion is then applied to the FBI's national estimate for each offense. Arrest rates are determined by dividing each national arrest estimate over appropriate population estimates obtained from the U.S. Bureau of the Census.

The causes of the crime decline may be debated, but the fact of plummeting crime rates is not disputed. Americans have enjoyed good news about crime for most of the last decade. The drop in youth crime was particularly welcome. Plunging rates of youth violence fueled growing optimism about the effectiveness of youth crime policies and programs, including detention reform, family treatment, and substance abuse interventions.

The crime drop may now be ending. For the first time in a decade, several of the most serious violent crimes tracked by national crime statistics increased between 2004 and 2005. Murder arrests of adults jumped 6 percent, while robbery arrests involving adults climbed 1 percent. Among juveniles, or youth under age 18, the increase in violent crime arrests was proportionally greater.² Juvenile arrests for murder grew 20 percent between 2004 and 2005. Robbery arrests involving juveniles rose 11 percent in the same time period. The new crime statistics have drawn the attention of elected officials and other policymakers who are increasingly worried about youth violence.

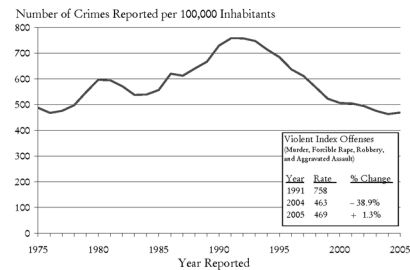
2. This report uses the term *juvenile* as a synonym for youth under age 18. Of course, the precise legal meaning of the term varies from state to state. In Connecticut, New York, and North Carolina, juvenile court jurisdiction ends on a youth's sixteenth birthday. A dozen states—including Georgia, Illinois, Massachusetts, Michigan, and Texas—begin criminal responsibility at age 17, limiting the status of juvenile to youth age 16 and younger.

National Trends Reflect Smaller Local Changes

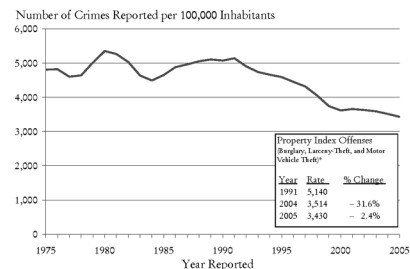
The 20-percent increase in juvenile murder arrests nationwide between 2004 and 2005 translates into about 200 more arrests. If this increase were distributed evenly across state and local jurisdictions according to the size of their populations, the number of additional arrests experienced by any one area would be relatively small. For example, the State of Indiana (with 2 percent of the U.S. population) could expect to see four additional juvenile arrests for murder, with one new arrest in Indianapolis. With roughly 6 percent of the population, the State of Florida could expect to see 12 new arrests overall, with Miami accounting for two of those arrests. Other areas would see comparable increases, including one additional arrest in Detroit, two added arrests in Dallas, and two new arrests in San Diego.

Violent Crime & Property Crime Rates, 1975-2005

Violent Crime Index



Property Crime Index



Source: Federal Bureau of Investigation (2005), *Crime in the United States*, Table 1. Washington, DC: FBI, U.S. Department of Justice.

* Arson is not included in the FBI's tabulation of Property Index arrest rates.

It Is Too Soon to Predict a Violent Crime Rebound

In 2005, U.S. law enforcement agencies made an estimated 14 million arrests for all types of criminal offenses. Juveniles were involved in 15 percent or 2.1 million of those arrests, which represented 3 percent fewer juvenile arrests than in 2004. Many categories of serious juvenile crime declined between 2004 and 2005. Juvenile arrests for forcible rape, for example, fell 11 percent between 2004 and 2005, while aggravated assault arrests dipped 1 percent, burglary arrests dropped 5 percent, and juvenile arrests for larceny-theft and motor vehicle theft each decreased 9 percent.

Some of the offenses included in the Violent Crime Index, however, grew between 2004 and 2005. The entire increase was attributable to two offenses: robbery and murder. The 11-percent increase in juvenile robbery arrests followed a 44-percent decline in the previous decade. Murder arrests

among juveniles rose 20 percent between 2004 and 2005, after a previous drop of 63 percent. The larger number of juvenile murder arrests in 2005 was equivalent to approximately 200 additional arrests nationwide.

The recent changes in violent crime merit our attention, but it is important to consider the relative size of the changes. Between 1975 and 1987, the per capita rate of juvenile violent crime arrests remained close to 300 arrests per 100,000. In the next 7 years, from 1987 through 1994, the rate increased more than 60 percent to just over 500 arrests per 100,000. After the appearance of the crime decline in 1994, the violent arrest rate for juveniles fell to 271 per 100,000 by 2004, or roughly the level that predominated in the late 1970s and early 1980s.

Between 2004 and 2005, the violent crime arrest rate for juveniles increased 1 percent, reaching 283 arrests per 100,000. The increase of 12 arrests per 100,000 was about one-twentieth the amount it would take for the arrest rate

Violent Crime Arrests, 1995-2005

	Adult Arrests (Age 18 and Older)			Juvenile Arrests (Under Age 18)		
	2005 Arrests	Percent Change (%)		2005 Arrests	Percent Change (%)	
		1995-04	2004-05		1995-04	2004-05
All Offenses	11,950,500	- 1	1	2,143,700	- 22	- 3
Violent Crime Index:	508,200	- 14	2	95,300	- 31	2
Murder	12,800	- 25	6	1,300	- 63	20
Forcible rape	21,600	- 17	- 1	3,900	- 22	- 11
Robbery	85,700	- 14	1	28,900	- 44	11
Aggravated assault	388,100	- 13	2	61,200	- 23	- 1
Property Crime Index:	1,190,800	- 14	- 1	418,500	- 40	- 8
Burglary	220,800	- 10	3	78,000	- 39	- 5
Larceny-theft	851,800	- 16	- 2	294,900	- 38	- 9
Motor vehicle theft	109,800	- 1	1	37,700	- 53	- 9
Arson	8,400	- 23	6	7,900	- 34	1
Selected Other Offenses:						
Other assaults	1,053,500	- 7	1	247,900	8	- 1
Weapons	148,600	- 27	8	44,800	- 29	7
Drug abuse violations	1,654,600	26	5	191,800	- 4	- 2
Driving under the influence	1,354,100	- 5	- 2	17,800	20	- 9
Liquor laws	471,400	15	- 4	126,400	- 4	- 3
Disorderly conduct	476,800	- 23	1	201,400	- 2	- 1
Vandalism	175,500	- 8	1	104,100	- 32	- 1
Curfew / loitering	--	--	--	140,800	- 15	2
Runaways	--	--	--	109,000	- 46	- 5

Note: Detail may not add to totals due to rounding.

Source: Analysis and weighting of sample-specific data from the Federal Bureau of Investigation, Crime in the United States, annual. Washington, DC: FBI, U.S. Department of Justice.

to return to the level of 1994. In other words, arrests would have to grow at the same pace for 19 more years before the juvenile violent crime arrest rate would be as high as it was in 1994.

The same pattern occurred among young adults between the ages of 18 and 24. The violent crime arrest rate among young adults grew consistently between the mid-1980s and the mid-1990s, reaching a high of 849 arrests per 100,000. The rate then dropped sharply through 2004 to 575 per 100,000.

A 3-percent increase between 2004 and 2005 brought the violent crime arrest rate for young adults back up to 591 per 100,000, or roughly 6 percent of the amount that would be necessary for the rate to return to the levels of the mid-1990s. Again, these increases would have to continue beyond the year 2020 for crime rates to be as high as they were in the mid-1990s.

Similar trends were seen among all age groups in the last 30 years, but the greatest volatility in violent crime was associated with the behavior of young people between the ages of 15 and 24. Arrest rates for all youth (ages 15 to 24) were generally higher than arrest rates for other age groups throughout the period between 1975 and 2005. The increase in murder arrests, robbery arrests, and weapon offense arrests was particularly striking for offenders between the ages of 15 and 20, at least half of whom are under the jurisdiction of the adult justice system.

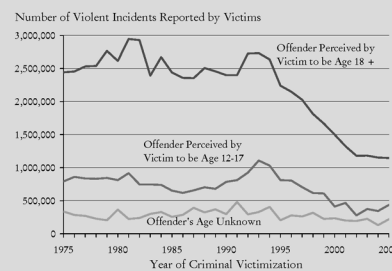
Recent Trends Are Not Due Only to Police Activity

Because they depend at least in part on police resources and levels of enforcement, data about the number of crimes reported and the number of arrests made are an imperfect measure of crime. Victim surveys are another important source of information, although the information they produce about offenders may be less precise. In addition, national surveys cannot measure crime trends at the state or local level.

The National Crime Victimization Survey (NCVS) has been administered by the U.S. Department of Justice since 1973. The NCVS shows no recent increase in the overall rate of violent crime in the United States (violent victimizations per 1,000). The rate of violent crimes dropped steeply after 1994 and has not increased in recent years. There was an increase, however, in the number of violent crimes in which the victim believed the offender was younger than age 18. The number of these incidents grew 57 percent between 2002 and 2005, from 278,000 to 436,000 crimes. The number of under-18 crimes in 2005, however, was still 60 percent lower than the 1.1 million reported in 1993.

Source: National Crime Victimization Survey (2006). Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice. [<http://www.ojp.usdoj.gov/bjs/cvictgen.htm>]

Violent Victimization, 1975-2005

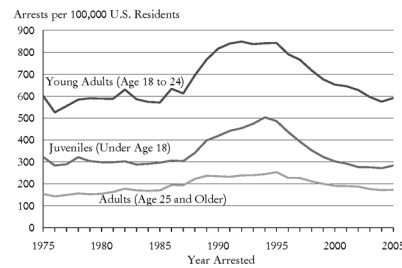


Policy Should Focus on Youth Crime, not Juvenile Crime

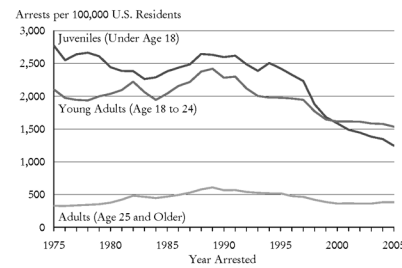
When policymakers turn their attention to violent crime, the discussion quickly focuses on violent youth crime. This is appropriate. Violent crime is disproportionately associated with young people, but *young* in this context means under age 20 or even below age 25. It is not accurate to describe violent youth crime as *juvenile* crime (i.e., below age 18).

Of all violent crime arrests in 2005, 16 percent (or 2 million arrests) involved juveniles under age 18, but 29 percent (or just over 3 million arrests) involved young adults between ages 18 and 24. Together, all young people through age 24

Violent Crime Arrest Rates, by Age

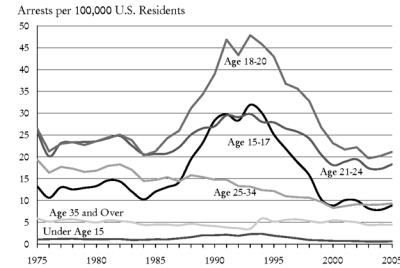


Property Crime Index

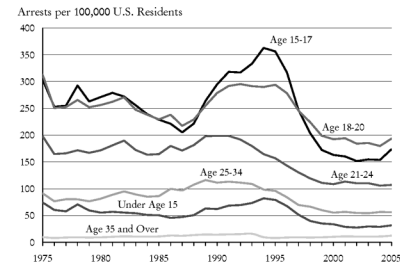


Source: Analysis and weighting of sample-specific data from the Federal Bureau of Investigation. Crime in the United States, annual. Washington, DC: FBI, U.S. Department of Justice.

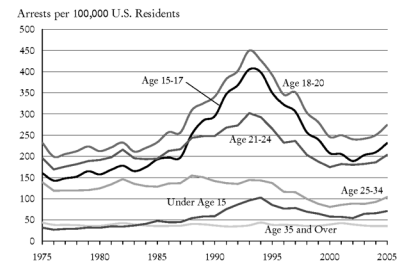
Fluctuations in Arrest Rates, by Age



Robbery



Weapon Offenses



Source: Analysis and weighting of sample-specific data from the Federal Bureau of Investigation. Crime in the United States, annual. Washington, DC: FBI, U.S. Department of Justice.

accounted for 45 percent of violent crime arrests, 50 percent of murder arrests, and 62 percent of robbery arrests.

When changing crime rates are disaggregated by age, identical patterns appear among young adults (ages 18 to 24) and juveniles (under age 18). This suggests that efforts to curb violent crime should not be restricted to either the juvenile or adult justice system. Reducing youth crime requires policies and programs that cut across the legal boundaries of court jurisdiction to address all youth, those over age 18 as well as those below age 18. Furthermore, because young adults are already under the jurisdiction of the criminal (adult) court and their crime numbers tend to move in the same direction as those of older juveniles, few benefits would be gained by moving larger numbers of juvenile offenders into criminal court.

Crime Problems Are Not Shared Equally

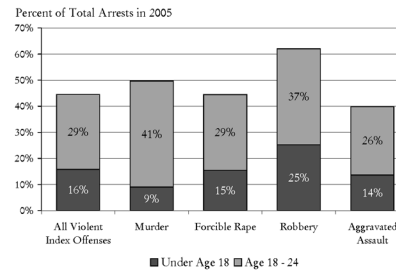
Violent crime does not affect all communities equally. Even small increases in violence tend to have stronger effects on the nation's poorest neighborhoods and among minority communities and families. A closer look at recent trends in juvenile arrest rates reveals that this characteristic of crime is occurring today.

Violent crime arrest rates increased less for white youth than for black or African American youth between 2004 and 2005. The violent crime arrest rate for white juveniles dipped 3 percent between 2004 and 2005, but the rate for black juveniles increased 14 percent. In each of the offense categories where juvenile arrest rates increased in recent years, the increase among black youth outpaced growth among white youth.

Specifically, the murder, robbery, and weapons arrest rates for white juveniles each increased less than 5 percent between 2004 and 2005, but the same arrest rates among black juveniles increased more than 20 percent during the same period. Similarly, whereas the aggravated assault arrest rate for white juveniles fell a few percentage points, aggravated assault arrests among black juveniles increased 10 percent.

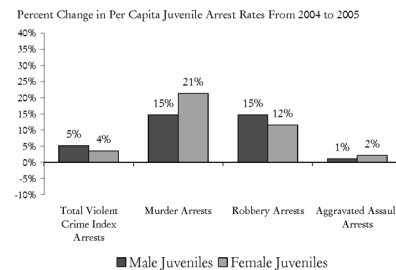
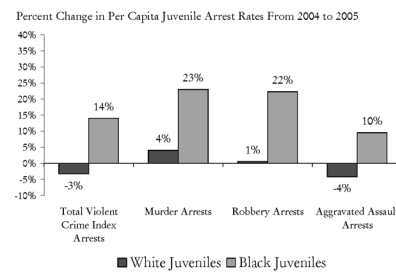
The differing rates of increase in violent crime arrests among youth of color underscore the origins of crime in social, community, and neighborhood factors. Crime-prevention efforts should focus on communities where youth are the most at-risk for involvement in crime and delinquency.

Violent Crime Arrests: Juveniles and Young Adults



Source: Federal Bureau of Investigation (2005), *Crime in the United States*, Table 38. Washington, DC: FBI, U.S. Department of Justice.

Juvenile Violent Crime Arrests, by Race and Gender



Source: Analysis and weighting of sample-specific data from the Federal Bureau of Investigation, *Crime in the United States*, annual. Washington, DC: FBI, U.S. Department of Justice.

Conclusion

Although violent crime rates remain at or near their lowest point since the 1970s, any increase in crime generates concern. Law enforcement organizations have expressed deep concern about a recent rise in violent crime statistics. Some of these concerns are well-founded, but others are exaggerated.

The recent changes in violent crime are small compared with the scale of shifting crime over the past 30 years. It is premature to predict a coming wave of serious violent crime after 1 year of increase. It is incorrect to assume that future increases in violent crime are inevitable, and it is inappropriate to lay the blame for any increase that does occur on "juveniles."

Crime-prevention strategies should focus on at-risk youth between the ages of 15 and 24, and most of these young people are not under the jurisdiction of the juvenile justice system. To prevent violent crime, policymakers must support community-based strategies that can reach all young people, especially those who are disconnected from school, work, and family and those who are from distressed and impoverished neighborhoods.

Chapin Hall Center for Children

Chapin Hall Center for Children at the University of Chicago is a policy research center dedicated to bringing sound information, rigorous analysis, innovative ideas, and an independent multidisciplinary perspective to bear on policies and programs affecting children. Chapin Hall's focus takes in all children, but devotes special attention to children facing significant problems, including abuse or neglect, poverty, and mental or physical illness. It takes a broad view of children's needs, including their potential as well as their problems, and addresses the services and supports—public and private—aimed at fostering child and youth development.

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Analyses of Crime Trends Should Use Complete Data

The FBI's national crime information takes almost a year to compile and release. The UCR report for 2005, for instance, was released in September 2006. This means that even an expedited analysis of crime trends at the national level is based on information that is nearly a year old. It may be tempting to analyze crime trends using monthly or quarterly data from local police departments in order to report more recent information, but doing so can lead to erroneous conclusions. Violent crime occurs in intermittent and unpredictable patterns. Criminal incidents are not smoothly distributed across the calendar. Fluctuations that appear large when crime data are examined in small increments of time can turn out to be less significant when viewed over a longer period of time. Especially when crime data are released via the news media, it is always the unexpected increase that receives the most attention. If a city has more homicides than expected during the first few months of a year, the data will be covered as news. If a neighboring city has fewer murders than expected, the public is unlikely to hear about it. The best way to judge the significance of crime trends is to wait for fully processed annual data from a large number of jurisdictions.

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About the Authors

Dr. Jeffrey A. Butts is a research fellow at Chapin Hall Center for Children at the University of Chicago.

Dr. Howard N. Snyder is the director of systems research at the National Center for Juvenile Justice in Pittsburgh, Pennsylvania.

**NATIONAL DISTRICT ATTORNEYS
ASSOCIATION**

**POLICY POSITIONS ON PRISONER
REENTRY ISSUES**

**Adopted: July 17, 2005 by the Board of Directors in
Portland, Maine**

**National District Attorneys Association
99 Canal Center Plaza, Suite 510
Alexandria, Virginia 22314
Telephone: 703-549-9222
Facsimile: 703-836-3195**

PRISONER REENTRY¹ POLICY POSITIONS

I. INTRODUCTION

STRIKING A BALANCE BETWEEN PUBLIC SAFETY AND THE REENTRY² AND REINTEGRATION³ OF OFFENDERS

Policy Statement:

1. While the National District Attorneys Association believes that incarcerating criminals more frequently and for longer periods of time has significantly contributed to the lowest crime rate in decades, the National District Attorneys Association also believes that prisoner reentry has become a crucial criminal justice issue. While the NDAA recognizes that the role of prosecutors in the arena of prisoner re-entry will vary according to individual state law, America's prosecutors should, where practicable, be participants in addressing this issue in an effort to reduce recidivism and ensure the safety of victims and the community.

Commentary:

The National District Attorneys Association believes that prisoner reentry is an important consideration for the criminal justice system and society as a whole for a variety of reasons, which include:

- A record number of prisoners are being released from incarceration on an annual basis;
- The cost of housing inmates is increasing at a rapid rate; and
- The rate of recidivism among those released from confinement is high at the present time.

According to the United States Department of Justice figures, approximately 650,000 are released from incarceration annually.⁴ As a result 650,000 ex-offenders reenter our

¹ "Prisoner reentry" as used in this document means the transition from incarceration into society for those ex-offenders (adult and juvenile) released unconditionally; those released on supervised probation/parole; and those released after re-incarceration for a violation of probation/parole.

² "Reentry programs," as used in this document are intended to encompass those programs or plans begun while the offender is still incarcerated. For example, literacy training, vocational education, parenting classes, substance abuse treatment and medical care fall within reentry. In addition, preparing offenders to seek housing and employment upon release may also occur at this stage.

³ "Reintegration programs," as used in this document are intended to encompass those efforts made by the offender and the community to avoid the risk of recidivism. Obtaining employment, housing and benefits, in addition to, continued substance abuse treatment and necessary medical and mental health care are considered part of the reintegration process.

⁴ "About 650,000 inmates were released from prison in 2002, up from around 450,000 in 1977." Bruce Western, *Lawful Reentry*, The American Prospect, December 2003, p. 54.

communities in need of housing, medical and mental health treatment, employment, counseling and a variety of other services. Communities are often overwhelmed by these increased demands and, due to budget constraints, unable to provide minimum services to ex-offenders. As a result, the safety of our communities and citizens is jeopardized when releasees, who are unable to acquire employment, housing and needed services, revert to a life of crime.

In addition, reports reveal that the cost of housing inmates is rapidly increasing. Direct expenditures for corrections have increased from \$9,048,947,000 in 1982 to \$56,956,871,000 in 2001.⁵ With current economic constraints and nation-wide budget reductions, states and localities are often unable to meet the demands that the increased number of inmates place on state and local governments.

Most significant is the rate of recidivism among released offenders. It is reported that "[f]ewer than half of all released offenders stay out of trouble for at least 3 years after their release from prison, and many of these offenders commit serious and/or violent offenses while under parole supervision."⁶ It is inevitable with this rate of recidivism that

Almost 650,000 prisoners are released from incarceration annually. United States Department of Justice, Office of Justice Programs, *Learn About Reentry*, available at <http://www.ojp.usdoj.gov/reentry/learn.html> (accessed November 24, 2004).

⁵ United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Key Facts at a Glance, Direct Expenditures by Criminal Justice Function, 1982-2001*, available at <http://www.ojp.usdoj.gov/bjs/glance/tables/expyrntab.htm> (accessed November 30, 2004).

⁶ "The average cost of incarceration for federal inmates is \$22,517 a year. The annual cost of keeping inmates in a community corrections center is \$17,706, according to the U.S. Department of Justice." Tresa Baldas, *Considering the Alternatives*, *The National Law Journal*, November 15, 2004.

⁷ "Fewer than half of all released offenders stay out of trouble for at least 3 years after their release from prison, and many of these offenders commit serious and/or violent offenses while under parole supervision." United States Department of Justice, Office of Justice Programs, *Learn About Reentry*, available at <http://www.ojp.usdoj.gov/reentry/learn.html> (accessed November 16, 2004).

⁸ "Of the 272,111 persons released from prisons in 15 States in 1994, an estimated 67.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.9% were reconvicted, and 25.4% resentence to prison for a new crime." United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Criminal Offenders Statistics, Recidivism* available at <http://www.ojp.usdoj.gov/bjs/cunoff.htm> (accessed November 30, 2004).

⁹ "Approximately 2 out of every 3 people released from prison in the US are re-arrested within 3 years of their release." Report Preview, Report of the Re-Entry Policy Council, *Charting the Safe and Successful Return of Prisoners to the Community*, The Council of State Governments funded in part by the United States Department of Justice, United States Department of Labor & United States Department of Health and Human Services available at www.REENTRYPOLICY.ORG, citing Patrick A. Langan and David J. Levin, *National Recidivism Study of Released Prisoners: Recidivism of Prisoners Released in 1994*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 193427, June 2002.

¹⁰ "Fully two-thirds of all those released on parole will be rearrested within 3 years. Parole failures now constitute a growing proportion of all new prison admissions." Joan Petersilia, *Prisoner Reentry: Public Safety and Reintegration Challenges*, *The Prison Journal*, Vol. 81, No. 3, September 2001, p. 365.

public safety will suffer unless provisions are made to assist those ex-offenders, who desire to become law-abiding and productive parts of their communities, with their transition back into society.

With more than 90 percent of inmates currently serving time predicted to one day re-enter society,⁷ it is important the prosecutors assist in or assume policy development roles, where permissible, in their localities and states to address prisoner reentry and reintegration into the community. This should be done to achieve a balance in the community between the public's safety, which is paramount, and an offender's reentry and reintegration into mainstream society. This balance will no doubt be difficult to predict and even more difficult to achieve. This will require the efforts and resources of both the private and public sectors.

The National District Attorneys Association recognizes that not all prosecutors will have the necessary resources to assume a key role in this endeavor. The majority of prosecutors' offices across this nation, burdened by ever-decreasing state and local budgets, in addition to continued reductions in federal grants to crucial state and local programs, are simply unable to do so. However, prosecutors cannot risk non-involvement with this issue. With the welfare and the safety of the public as their primary concerns, prosecutors should educate themselves regarding the reentry programs that are provided or being proposed in their local jails and state prisons in addition to those reintegration plans that are being supervised by probation, parole, or their local community services board and be supportive of appropriate programs and plans. It is crucial that these programs be monitored to ensure that they are genuinely aimed at reentry, the prevention of crime, and the safety of the community.

II. VICTIM REENTRY ISSUES

Policy Statements:

2(a). When addressing prisoner reentry, the National District Attorneys Association believes that the primary focus should be on providing a safe environment for the victims of crime and the community.

⁷"67.5% of prisoners released in 1994 were rearrested within 3 years, an increase over the 62.5% found for those released in 1983." United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Reentry Trends in the U.S.: Recidivism*, available at www.ojp.usdoj.gov/bjs/

According to research conducted by Gaes, Flanagan, Motiuk, and Stewart in 1999, lower recidivism results from participation in selected prison programs. James P. Lynch & William J. Sabol, *Prisoner Reentry in Perspective*, Crime Policy Report, Vol. 3, September 2001, Urban Institute, Justice Policy Center, p. 6.

⁸"More than 90 percent of inmates currently serving time will one day re-enter society. On average, more than 600,000 individuals are now being released from prison each year." Prepared Remarks of Attorney General John Ashcroft, Department of Justice Offender Re-Entry Conference, September 20, 2004.

2(b). The National District Attorneys Association believes that it is imperative that the needs of the victims of crime be addressed in conjunction with the development and implementation of prisoner reentry and reintegration plans.

Commentary:

While the National District Attorneys Association recognizes that ex-offenders encounter impediments to productive living, the NDAA also acknowledges that many of these impediments, such as addictions, have been self-inflicted. The focal point for reentry should be both the safety of the victim and the community. As a result, those persons and entities involved in the reentry and reintegration process must address victims concerns and needs as part of the development of the offender's program.

Victims of crime have a wide variety of concerns regarding prisoner reentry.⁸ As a result, victims should be informed about the status of the offender, the offender's location, and the projected release date. Aside from being fully informed about the offender, victims should also be informed about:

- ❖ Person(s) or agency(ies) to contact if they have questions or concerns;
- ❖ Protective order application and issuance;
- ❖ Available medical and mental health services;
- ❖ Restitution
- ❖ Conditions of the offender's release

III. PRE-RELEASE PHASE (INSTITUTIONAL & TRANSITIONAL PHASES)⁹

⁸A 2000 survey conducted by the American Probation and Parole Association found that victims had concerns about the following issues (arranged in order of priority) regarding prisoner reentry:

- "Information about whom to contact if victim has concerns & Notification of offender location
- Notification of offender status
- Protective or "no contact" orders
- Input into conditions of release
- Financial/legal obligations
- Information about referrals
- Offender programming that creates awareness
- Input into interstate compact
- Input into conditions of community service
- Victim/offender programming (mediation)"

Seymour, A. K. 2000. The Victim's Role in Offender Reentry. A Community Response Manual. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime NCJ 194061.

⁹The term "transitional" in this document is intended to incorporate both the time spent incarcerated and the immediate time period following release from incarceration.

OFFENDER REENTRY OBSTACLES: LACK OF EDUCATION, UNMET HEALTH NEEDS & LACK OF SERVICES & SUPPORT UPON RELEASE

Policy Statements:

3(a) The National District Attorneys Association supports the use of educational programs, vocational training, substance abuse treatment, mental and medical health services, risk assessments, and programs which teach parenting skills and facilitate the maintenance of family relationships during the incarceration/detention of both adults and juveniles as a means of easing the transition back to productive community living. Smooth transitions will serve to reduce recidivism and increase overall public safety.¹⁰

3(b). The National District Attorneys Association believes that the above treatments and programs should be utilized only if such rehabilitation is used to achieve its fullest potential by those offenders who genuinely desire to become law abiding citizens and productive members of society, and who truly face substantial impediments in meeting that goal. Furthermore, rehabilitation should serve as a supplement to confinement, not as an alternative to incarceration.

Commentary:

Offenders often enter institutions with physical and chemical dependency problems and without the basic skills necessary for productive and successful living. Many lack education, vocational training, and even parenting and life skills. In addition to lacking a basic foundation offenders often have unmet medical and mental health needs as well as addictions. A lack of family or support systems, housing, transportation and even sustenance add to the list of hurdles which offenders often face as they reenter society.

Empirical evidence suggests that services such as education, job training, housing assistance, medical health care,¹¹ substance abuse treatment¹² provided while in prison

¹⁰ Nancy G. La Vigne, Christy Visher, Jennifer Castro, *Chicago Prisoners' Experiences Returning Home*, Urban Institute, (December 2004), p. 2, (citation omitted). "Prisoners who participate in programs and services during their incarceration are often better prepared for reintegration upon release, as evidenced by improved postrelease outcomes and reduced recidivism."

¹¹ "[S]oon-to-be-released offenders tend to be sicker on average than the U.S. population. The increased prevalence of infectious diseases ranges from four times greater for active tuberculosis (TB) to 9-10 times greater for hepatitis C. For chronic diseases, asthma prevalence was higher -- 8.5 percent versus 7.5 percent -- and while the prevalence of diabetes and hypertension is lower for prison inmates, these prevalences are relatively high given that the prison population is younger as a whole and that these conditions are typically associated with older people. Because the prison population is aging, the prevalence of chronic diseases is likely to increase." Rand Research Brief, *Prisoner Reentry: What are the Public Health Challenges?* based on Lois Davis and Sharon Paechana, "Health Profile of the State Prison Population and Returning Offenders: Public Health Challenges," *Journal of Correctional Health Care*, Fall 2003.

promotes the reintegration into society and reduces recidivism, which inevitably will raise the level of public safety and lower criminal justice costs.¹²

Individual reentry plans should be created by the correctional facility as soon as is practicable and as deemed appropriate by the institution, after the inmate's entry. Such plans should require personal development in the area of education, vocational training, individual responsibility and accountability, and substance abuse treatment, where appropriate, for release into the community. Institutions should

also develop and implement objective methods for measuring the development of offenders during confinement.

Certain issues such as housing and benefits acquisition should be addressed during the latter portion of incarceration. While such provisions cannot be utilized until an offender's release, leaving such issues unresolved until the date of release will ultimately make the ex-offender's integration into society more difficult.

The National District Attorneys Association believes that the perspectives of the community and the victim(s) of crime should also be reflected in re-entry plans. Issues

¹² "[O]ne quarter of male and female state prison inmates fit the CAGE profile of alcohol dependence, while 83 percent of state prison inmates reported using drugs prior to their offense and 33 percent reported use at the time of their offense." *Id.*

¹³ *Supra* note 6. *See also* Indiana's Allen County Reentry Court program (Fort Wayne) results indicate that "[d]uring the initial two years of the Re-entry Court's operation, offenders in the program had a recidivism rate of approximately half that of inmates released with no supervision. Within the first year, almost 50 percent of re-entry candidates were placed in full time jobs. Just as important, Fort Wayne's citizens have seen a reduction in crime while gaining a savings of almost \$5 million as a result of lower law enforcement, criminal court and parole costs." Prepared Remarks of Attorney General John Ashcroft, Department of Justice Offender Re-Entry Conference, September 20, 2004.

such as the payment of restitution and provisions for victim services should always be incorporated into such plans.

IV. POST-RELEASE PHASE (TRANSITIONAL & LONG-TERM PHASES)

COMMUNITY INVOLVEMENT

Policy Statements:

4(a). The National District Attorneys Association recognizes that the lack of employment, housing, transportation, medical services and education for ex-offenders creates barriers to successful reintegration and must be addressed as part of the reentry discussion. The National District Attorneys Association supports the use of community based programs to develop and implement reintegration plans to assist ex-offenders with their transition from incarceration to productive community living upon completion of their sentence.

4(b). The National District Attorneys Association believes that it is appropriate for prosecutors, where feasible, to assume policy development or supportive roles regarding post-incarceration reintegration plans rather than active day-to-day participation in the development, implementation, and enforcement of these plans for ex-offenders.

Commentary:

In order to provide the necessary services for offenders upon release, community-based programs should be developed by utilizing resources and personnel from a variety of agencies and services in both the private and public sectors. Community-based programs should consist of those entities responsible for the formal control of offenders and capable of imposing criminal sanctions, such as the judiciary,¹⁴ corrections, probation, parole, and law enforcement. In addition, entities with the ability to provide the offender with the necessary services, such as the departments of social services, health care providers, substance abuse counselors, mentors, faith based community members, private and public employers, housing authorities, educational institutions, policy-makers and defense counsel, should be involved.

Services to be provided by the various components

All facets of the community should be used to evaluate and provide the offender with the necessary services along with meaningful oversight and the threat of negative sanctions to assure success.

¹⁴ This assumes that the court has continuing jurisdiction over the offender.

Correctional officers and parole boards should conduct risk assessments on offenders scheduled to be released or paroled. Risk assessments should be evaluated for efficacy and found to be reliable before their use by correctional facilities. Probation/parole officers in conjunction with law enforcement and the courts should demand accountability from offenders. Supervision by probation and parole officers must be meaningful and not conducted in a cursory fashion.

With the threat of negative consequences for unacceptable behavior provided, other elements of the community from the department of social services to the local or state housing authority can intervene to provide the multitude of needed services, which often include:

- ❖ Health care (medical, dental and mental health services);
- ❖ Substance abuse treatment;
- ❖ Transportation;
- ❖ Transitional and long-term housing;
- ❖ Development of parenting and life skills;
- ❖ Educational opportunities and literacy training;
- ❖ Vocational training
- ❖ Assistance with obtaining employment
- ❖ Assistance with accessing community services and benefits

V. CONSEQUENCES OF PROBATION/PAROLE VIOLATIONS

Policy Statements:

5(a). The National District Attorneys Association believes that parolees/probationers must be held accountable for non-compliance with the terms and conditions of their probation or parole. Probationers or parolees who demonstrate that they are unwilling to live law-abiding lives should be expeditiously re-incarcerated to protect the public safety.

5(b). The National District Attorneys Association believes that parole/probation violations should never be overlooked by the criminal justice system. When appropriate, sanctions should be individually tailored to address the violation and to emphasize the importance of community-based strategies for dealing with violations of probation and parole. Progressive sanctions should be considered for successive violations of probation/parole.

5(c). The NDAA believes that a person on parole/probation charged with the commission of a new offense has demonstrated that they are a danger to society and should be held in custody, to the degree possible, until their case is resolved. If a person is convicted of a

crime committed while on probation/parole the sentence should be consecutive to the sentenced offense to provide a meaningful consequence for the new offense.

Commentary:

Many in the criminal justice system have a tendency to characterize certain probation/parole violations as “technical.” Typically, violations that are characterized as such include failure by a probationer/parolee to abide by his/her curfew, failure to appear for a probation/parole appointment, or failure to obtain or maintain employment. Unfortunately the tendency has been to classify any violation, with the exception of the commission of a new crime, as “technical.”

The National District Attorneys Association objects to the characterization of any violation as “technical” and to the minimization of a violation of a term or condition of release. Probationers and parolees are given an opportunity to prove to authorities that they can function as law-abiding citizens by adhering to the terms and conditions of their probation or parole in lieu of incarceration. While the National District Attorneys Association recognizes that not all violations should result in the same sanction, every violation should result in a negative consequence for the probationer/parolee. Penalties should be individualized to the nature of the violation with successive violations resulting in more severe penalties for the probationer/parolee. Progressive sanctions should be considered for successive violations of probation/parole.

VI. INNOVATIVE METHODS FOR ADDRESSING REINTEGRATION ISSUES

Policy Statement:

6. The National District Attorneys Association supports the development and implementation of innovative programs to assist with prisoner reentry issues. Such programs are not intended as alternatives to incarceration. Incarceration imposed after conviction is recognized as important for punishment, deterrence, and the protection of the public.

Commentary:

Innovative solutions should be developed to deal with the myriad of prisoner reentry issues that exist upon and after release.

One such solution is the “reentry court,” which is currently used in a number of jurisdictions across the country. “Reentry courts”¹⁵ are based on the premise that the releasing correctional facility has provided the offender with a reentry plan which meets

¹⁵ “Reentry courts” will not be appropriate in those jurisdictions where the executive branch has authority over the offender upon sentencing in lieu of the judicial branch.

his/her individual needs and has explained the plan prior to the offender's release. Upon release, the reentry court is responsible for closely monitoring the offender by arranging for regularly scheduled court dates regardless of whether the offender is succeeding or failing with his/her reentry plan. In order to provide for substance abuse treatment, medical care, literacy training, vocational training and the various other offender needs, the reentry court utilizes and manages a variety of community services. Violations of an offender's terms and conditions of release are addressed swiftly by the court and always result in negative consequences. While sanctions for violations are individualized for the nature of the violation, successive violations will result in graduated punishments. When offenders meet the expectations of the court and comply with the terms and conditions of release, positive reinforcement is provided by the court.¹⁶

VII. COLLATERAL SANCTIONS: Sanctions will vary depending on the individual state law but typically they include the following:

- ❖ Loss of Voting Rights – permanent loss; temporary loss while in prison or while on probation/parole
- ❖ Ineligibility for Federal Student Loans (PELL Grants)
- ❖ Ineligibility for Federally Subsidized Housing
- ❖ Ineligibility for Licensure for Certain Occupations

Policy Statement:

7 The National District Attorneys Association believes that collateral sanctions imposed as a consequence of a conviction are an important element in protecting the public. Relief from some collateral sanctions may be appropriate if they do not relate to the conduct involved in the offense of conviction.

Commentary:

The National District Attorneys Association believes that there must be both civil and penal consequences for criminal behavior. Those consequences may and should at times involve collateral sanctions and the loss of certain civil rights. Ex-offenders must be held accountable and accept that in addition to incarceration that their illegal behavior may cause other ramifications, including collateral sanctions. While such sanctions may cause

¹⁶ Reentry Courts: Managing the Transition from Prison to Community, A Call for Concept Papers, United States Department of Justice, Office of Justice Programs, September 1999. The "Reentry Court Initiative" is a U.S. Department of Justice, Office of Justice Programs initiative. Additional reentry efforts include "Reentry Partnerships Project," "Intensive Aftercare Program," "Youthful Offender Demonstration Projects," "Targeted Juvenile Reintegration," "Las Vegas Weed and Seed Reentry Project," "American Probation and Parole Association Project," "Incarcerated Father's Initiative," "Redhook Community Justice Center," "Community Impact Panels," "Restitution: Promising Practices Initiative." Information about these reentry efforts is available at <http://www.ncjrs.org/pdffiles1/ojp/sbs/00389.pdf>.

additional difficulties for ex-offenders they should never be used as a justification by offenders for failing to re-enter society as productive citizens.

VIII. FUNDING

Policy Statement:

8 The National District Attorneys Association believes that increases in funding at the federal, state, and local levels are imperative to developing and implementing service plans for offenders while incarcerated; for developing and providing community resources for ex-offenders upon their release from incarceration; for providing meaningful oversight by probation and parole officers of offenders following release; and developing and implementing innovative programs such as reentry courts. Increased funding is also vital for conducting further research on prisoner reentry issues, solutions, and outcome measures.

Commentary:

Given the burgeoning numbers of prisoners being released from confinement each year, the only way that reentry and reintegration programs can achieve their goal of protecting the safety of the community while transitioning offenders back into society is through additional funding at all levels of government.

Correctional facilities will require additional funding to develop and implement appropriate reentry programs as well as provide the necessary medical and mental health care, vocational training, and development of life skills. The community and social service organizations in particular will need additional personnel and resources to provide the necessary services for reentering prisoners. The court systems, correctional institutions as well as probation and parole departments will demand additional funding in order to provide meaningful oversight of offenders and imposition of sanctions when offenders fail to comply with the terms and conditions of their release.

It is equally important that additional funding be available for long term research on issues such as the impact of reentry programs on the rate of recidivism; for developing innovative programs for dealing with prisoner release issues; for evaluating risk assessments for efficacy and reliability; and for determining those characteristics which predispose offenders to succeed or fail in these programs.